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NEGOTIATION AND PEACE

WITH

1814.

WITH A PREFACE AND NOTES.

" And sham'd as we have been—to th' very beard
 " Braved and defied; and in our own Sea prov'd
 " Too weak for these decisive blows, that once
 " Ensur'd US mastery there!"

COWPER.

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PREFACE.

THE following documents contain,

First, A statement of Mr. Madison's instructions to the American Plenipotentiaries for the negotiation of a Peace with England.

Secondly, The correspondence between the British and American Plenipotentiaries, from the 19th of August 1814, to the 13th of October 1814, at Ghent.

Many of these papers have appeared in the newspapers, but in so irregular and unconnected a form, as to have escaped that particular attention, which their importance demands from every person, who has any regard for the fame, interests, or security of England.

Ministers have manifested such reluctance to lay before Parliament any information on the course of their diplomatic proceedings, that it cannot be doubted, that they will attempt to pursue a similar system on the American question, unless they should be checked by the voice of Parliament.

Who, that now considers the disgraceful transactions which have taken place at Vienna, as well as the *enormous war expenditure*, which the *peaceful* policy of our Ministers has entailed upon this country, does not deeply regret the concealment of the "CHATILLON" and "CHAUMONT" papers, and the blind confidence reposed in Ministers, who are *now* afraid even to answer any question relative to Continental affairs; although, until the meeting of Parliament in November, 1814, these men had, (as impudently, as falsely,) boasted, that *they* were the "DELIVERERS" of Europe?

The same regret will be felt by every person, who neglects the consideration of the correspondence at Ghent, between the British and American Plenipotentiaries. When we review the lofty pretensions of the British Ministers; the violence of their charges against America; the repeated declarations of their conviction, that *America would renew the war*, when she could do so with advantage; and the entire omission to adjust all those points of difference between the two countries, which, though not the ostensible causes, were, in fact, the real sources of public irritation in America, and ultimately of the war;—can it be pretended, that the peace *now* signed, is either secure, or honourable; or is, in reality, any thing more than an *armed truce*, which the British Ministers in their correspondence distinctly assert, the Americans will break, whenever they may think proper? Under the *name* indeed of peace, his Majesty's Ministers have granted to America all the benefits of a suspension of arms, leaving untouched every point of controversy, and leaving the *rights* of England still disputed; while they have given to Mr. Madison the full advantage of proclaiming to the world, that *he* had advanced a number of new pretensions, and *had not retracted* one of them!

Nor will it fail to be remarked, that Ministers, in their addresses to the people of England on this peace, take directly the *opposite* tone, to that which they held to the American Commissioners. At Ghent, they dwelt much upon their anxiety for peace "by waving" all right on the part of England to a recognition by America of "the principles of public law, for the maintenance of which we" had contended." This was represented as a *favor* to America, and as a concession to induce her to sign a treaty of peace: Yet, when those who feel for the honour of England, condemn this submissive favor to America, Ministers affect to represent the *non-existence* of any explanation, as a *favor*, *not granted* by England, but *conceded* by America, inasmuch as America had not exacted by treaty, a confirmation of the insolence and injustice, by which she had driven us into war, but had merely placed our *rights* on a footing with her *pretensions*!!

If any thing more were wanting to prove the utter incapacity of his Majesty's Ministers, it would be amply supplied by the remaining parts of this correspondence. Not content with disgracing the military and naval glory* of their country, Ministers have shewn, that they are equally inferior to the Americans in the science of diplomacy, and even in their knowledge of the English language.

* The gallant actions of the Shannon and Endymion frigates demonstrate, that there is not any deficiency in the brave officers and men of the British navy; and that, if proper arrangements had been *at first* adopted by his Majesty's Ministers, the glory of the British arms would *never* have been sullied. It is owing to the mismanagement of his Majesty's Ministers, that the capture of *one* American frigate, in presence of an English squadron, at the end of a war of near *three* years duration, is considered as a "*national triumph*" by those, who under a more auspicious government, were only accustomed to confer that distinction upon victories, which terminated in the *defeat or destruction of an enemy's fleet*!! Let it be remembered, that under Lord Liverpool's administration, the Americans have completely destroyed, or captured *two* British squadrons of equal numerical force!

How were the Americans enabled to accomplish these successes? Was there any defect of courage or skill in the British commanders or seamen? Certainly not. The deficiency was in the equipment and preparation of the British squadrons, for which, the government in England is *alone* responsible. Vide "the extracts from the Court Martial on Captain Barclay. Parliamentary Papers relating to the war with America. Printed "9th and 10th Feb. 1815."

Q. How many men had you on board the Queen Charlotte, that you could call experienced seamen?

A. Not more than *ten*, with the petty officers; we had on board between one hundred and twenty and one hundred and thirty men, officers and all together.

Q. Do you know whether the other vessels that composed the squadron of Captain Barclay, were equally deficient in seamen?

A. All the other vessels were *equally deficient* in point of seamen, except the Detroit might have a few more on account of being a larger vessel.

Q. At half an allowance, how many days' provision had you on board the Queen Charlotte when you went out?

In fact, they, and **THEY ALONE**, are *personally* responsible for all the violence, error, and ignorance, manifested in these documents. The conference of the 19th August took place while Lord Castlereagh was at Gheric; and the "**ULTIMATUM**" of the same date, which roused all America, called forth in that country the greatest exertions of public spirit, and laid the foundations of a permanent army, an increased navy, and an improved system of finance, was dictated by Lord Castlereagh, and affords a *happy* proof of his conciliatory spirit, extensive knowledge, and diplomatic address!

The subsequent letters were all the fruits of the collective wisdom and experience of the Cabinet Ministers *stationary* in England, and are only inferior to the memorable production of their diplomatic colleague, which has already been noticed. A reference to the dates of the respective notes will prove, that every letter from the American Plenipotentiaries was referred to England previous to the delivery of any answer; and even if the American negotiators had not stated the fact, it is well known, that all the British notes were written by the Cabinet Ministers *sedentary* in London, or its environs.

It is evident from the perusal of these documents, that on the 9th of Aug. the American Plenipotentiaries were ready to have included "the Indians in the pacification," if the British Ministers had not combined with that question, "**A NEW BOUNDARY**" for those Savages; or in other words, if they had not demanded from the Americans, not only the abandonment of great rights of sovereignty, but the cession of a tract of country, nearly as large as Germany, and mortgaged to the public creditors of the United States of America, for

A. We might have had a *week's*, at *half* allowance, of provisions, but not of spirits; they were preserved for the action, and all consumed on that day; we had none served out for several days before.

Q. Did you understand that the enemy's vessels were well manned?

A. Yes, they were *remarkably well manned*; I believe from the information I received from the American officers, that the Lawrence had *more* able seamen on board, than *we* had in *our whole* squadron. I was on board the Lawrence about a quarter of an hour, and on board the Niagara two or three days; she appeared to be very well manned; they chiefly manned the prizes from her.

Captain Barclay asked:—

Were the matches and tubes so bad that were supplied to me from Amherstbay, that I was obliged to prime without the latter, and *fire pistols at the guns to set them off*?

A. Yes; we fired pistols at the guns to set them off during the whole of the action.

Lieutenant Stokoe called in again.

Captain Barclay asked:—

Was I obliged to take from the Queen Charlotte stores of various descriptions even to sails, cables and anchors, as well as a proportion of *pistols to fire the guns off with*, before I could make the Detroit at all fit for the Lake?

A. Yes, you were.

the *security and extinction of their national debt!* It was not until the 5th of October, that the British Ministers withdrew this monstrous demand; and on the 13th, the American Plenipotentiaries, without hesitation, accepted the modified proposal for an "Indian pacification," which from the *first* moment, they declared their readiness to conclude on the very terms, which are now contained in the treaty of peace.

The continuance of the war from August 1814, with all its consequent *expense*, and disgrace, is the exclusive act, therefore, of his Majesty's Ministers; and is a question, which deserves the strictest enquiry, even from those, who may rejoice at the conclusion of peace.

But, when the article respecting the Indians was settled, why was not peace immediately concluded? This article was accepted on the 13th of October, and peace was not signed until the 24th Dec.

Here then is another period of *two months* of expenditure and disgrace to be accounted for! The Ghent papers are not complete on this branch of the subject; but they prove, that on the 21st October, the British Ministers introduced a *new* pretension, and attempted to establish a *new* basis, the practical effect of which was, (*artificially and colourably*) under another name, to obtain a *CESSION OF TERRITORY*; although, from the commencement of the negotiation, they had uniformly declared all notion of "*territorial acquisition*" to be inconsistent with the views of the British government!

This is sufficient to demonstrate, that the *first* cause of delay, after the 13th October, was introduced by the British Ministers. A very short period of time will equally prove, that the continuance of that delay was the result of the "*new* pretensions" of the British Ministers to territorial acquisition, brought forward *two months* after the commencement of their *peace* negotiation, and after their repeated declarations, that they not only did not require any accession of territory, but that they were ready to conclude peace "upon principles* of perfect reciprocity, not inconsistent with the established maxims of public law, and with the *maritime* rights of the British empire."

The following points deserve special notice, and are fully explained in the correspondence.

1. The assertion of the British Ministers, that the Indian tribes of savages were "*Independent States*," similar to the Princes of Germany; and, that the treaty of Greenville, concluded in August 1795, between the American government and the Savages, was "*similar to the treaty of Munster!*"

2. The *ABANDONMENT* of these "*Independent Allies*," for whom the British Ministers have obtained *this* prodigious advantage; namely, that as soon as the treaty of peace between England and America shall be ratified, the Indians are to discontinue hostilities

* Vide Lord Castlereagh's Letter to Mr. Munroe, dated Nov. 4, 1813. In this letter, there is not a word concerning *territorial acquisition*.

against America, OR, are (to use a grand Ministerial phrase) to be "left to their fate!"

So much for the rights and privileges of our independent Allies!

This article is also settled at a most *appropriate* time—the 13th of October; on the 21st of the same month, the greater part of our "independent Allies" concluded a *separate* peace with the United States of America, the two fundamental conditions of which are, 1st, That they shall join the Americans in the war *against* Great Britain; and 2dly, That they shall be subject to no other power, except the United States!!!

3. The British Ministers demanded the possession of the Lakes, with an *exclusive* right of building and maintaining forts and ships of war, which the Americans were to be precluded from retaining or establishing, either on those Lakes, or on the rivers flowing into them! The British Ministers insisted, "that this arrangement was essential to the security of Great Britain; that Great Britain was the weaker power; that Canada *is not safe* unless this stipulation be conceded to Great Britain, and that the American government not only entertains views of conquest and aggrandisement, but intends to carry them into execution, whenever a favourable opportunity may be presented." ALL this, the British Ministers *prove* in the most convincing manner; AND,—they magnanimously *abandon* the demand, leaving unguarded *all* the dangers which they had declared to exist, and which they had the additional candour to point out to the attention of our enemies!

A peace concluded under such circumstances, and in such a manner, *cannot be either secure or honourable.*

It remains to inquire, why the war with the United States of America has been successless, and ignominious to our arms, and why the peace is disgraceful to our councils, and dangerous to our interests in America and Europe?

20th February, 1815.

STATE PAPERS, &c.

No. I.

Instructions from Mr. MADISON to the American Commissioners.

WASHINGTON, Oct. 17, 1814.

THE President communicated, on the 13th of October, to Congress, copies of Instructions to the Plenipotentiaries. First, Mr. Monroe's letter, of which the following is the substance :—

Department of State, April 15, 1813.

Gentlemen,—I had the honour on the ult. to receive from Mr. Adams two letters, one bearing date on the 30th of September, and the other on the 17th of October last, communicating the overture of the Emperor of Russia to promote peace by his friendly mediation between the United States and Great Britain. On the day following, Mr. Daschkoff, the Russian Minister, made a similar communication to this Department.

The President has not hesitated to accept the mediation of Russia, and he indulges a strong hope, that it will produce the desired effect. It is not known that Great Britain has acceded to the proposition; but it is presumed that she will not decline it. The President thought it improper to postpone his decision, until he should hear of that of the British Government. Should the British accept the mediation, the negotiation to which it leads will be held at St. Petersburg.

The impressment of our seamen, and illegal blockade, as exemplified more particularly in the Orders in Council, were the principal causes of the war. Had not Great Britain persevered obstinately in the violation of these important rights, the war would not have been declared. It will cease as soon as these rights are respected.

This has been evinced by a report of the Committee of Foreign Relations of the House of Representatives, and an Act of Congress, passed in consequence of that report. By these documents you will see, that to accommodate this important difference, the United States are disposed to exclude British seamen altogether from the American service. This being effectually done, the British Government can have no pretext for the practice. How shall it be done? By restraints to be imposed by each nation on the naturalization of the seamen of the other, excluding at the same time all others not naturalized; or shall the right of each nation to naturalize the seamen of the other be prohibited, and each exclude from its service the natives of the other? Whatever the rule is, it ought to be reciprocal. If Great Britain is allowed to naturalize American sea-

men, the United States should enjoy the same privileges. If it is demanded that the United States shall exclude from their service all native British subjects, a like exclusion of American citizens from the British service ought to be reciprocated.

If the first alternative is adopted, the extent of the proposed exclusion will depend on the impediments to naturalization, on the efficacy of the regulations to prevent imposition, and the fidelity of their execution. The law of the last Session of Congress relative to seamen, proves how sincerely desirous the Legislative, as well as Executive branch of our Government is to adjust this controversy, on conditions which may be satisfactory to Great Britain. By that law it is made indispensable for every British subject who may hereafter become a citizen, to reside five years without intermission within the United States; and so many guards are imposed to prevent frauds, that it seems to be impossible that they should be eluded. No British subject can be employed in a public or private ship of the United States, unless he produces to the commander in one instance, and to the collector in the other, a certified copy of the act by which he became naturalized. A list of the crew, in the case of a private ship, must be taken, certified and recorded by the collector; and the consuls, or commercial agents of Great Britain may object to any seamen, and attend the investigation. The commander of a public ship receiving a person not duly qualified, shall forfeit 1000 dollars; and the commander or owner of a private ship, knowing thereof, 500 dollars, to be recovered in an action of debt; one-half to the informer, and one-half to the United States. It is also made penal, punishable as a felony, by imprisonment and labour, from three to five years, or by fine, from 500 to 1000 dollars, for any person to forge or counterfeit, or to pass, or use, or sell, any forged or counterfeited certificate of citizenship.

By requiring five years continual residence in the United States, as the condition of citizenship, few, if any, British seamen would ever take advantage of it. Such as had left Great Britain, and had resided five years in this country, would be likely to abandon the sea for ever. And by making it the duty of the commanders of our public, and of the collectors, in case of private ships, to require an authenticated copy from the clerk of the court, before which a British subject who offered his service had been naturalized, as indispensable to his admission, and highly penal in either, to take a person not duly qualified, and by allowing also British agents to object to any one offering his service, and to prosecute by suit the commander or collector, as the case might be, for receiving an improper person, it seems to be impossible that such should be received.

If the second alternative is adopted; that is, if all native British subjects are to be hereafter excluded from our service, it is important, that the stipulation providing for it should operate so as not to affect those who have been already naturalized. By our law, all the rights of natives are given to naturalized citizens. It is contended by some, that these complete rights do not extend beyond the

limits of the United States; that in naturalizing a foreigner, no state can absolve him from the obligation which he owes to his former government, and that he becomes a citizen in a qualified sense only. This doctrine, if true in any case, is less applicable to the United States than to any other power. Expatriation seems to be a natural right, and by the original character of our institutions, founded by compact, on principle, and particularly by the unqualified investment of the adopted citizen with the full rights of the native, all that the United States could do to place him on the same footing has been done. In point of interest, the object is of little importance to either party. The number to be affected by the stipulation is inconsiderable; nor can that be a cause of surprise, when the character of that class of men is considered.

If it is made a condition, that no native British subject, who may hereafter become a citizen, shall be employed in our public or private ships, their exclusion will violate no right. Those who might become citizens afterwards would acquire the right, subject to that condition, and would be bound by it.

To such a stipulation the President is willing to assent, although he would much prefer the alternative of restraints on naturalization.

In requiring that the stipulation to exclude British seamen from our service, with the regulations for carrying it into effect, be made reciprocal, the President desires that you make a provision, authorising the United States, if they should be so disposed, to dispense with the obligations imposed by it on American citizens.

The President is not particularly solicitous that either of these alternatives (making the proposed reservation in case the latter be) should be preferred. To secure the United States against impressment he is willing to adopt either.

It has been suggested as an expedient mode for the adjustment of this controversy, that British cruisers should have a right to search our vessels for British seamen; but that the commanders thereof should be subjected to penalties, in case they made mistakes, and took from them American citizens. By this the British Government would acquire the right of search for seamen, with that of impressing from our vessels the subjects of all other powers. It will not escape your attention, that by admitting the right, in any case, we give up the principle, and leave the door open to every kind of abuse. The same objection is applicable to any and every other arrangement which withholds the respect due to our flag, by not allowing it to protect the crew sailing under it.

The great object in regard to impressment is, that our flag shall protect the crew; and providing for this in a satisfactory manner, you are authorized to secure Great Britain effectually against the employment of her seamen in the service of the United States. This would be done by the adoption of either of the above alternatives, and the application to that which may be adopted of the checks contained in the law of the last session relative to seamen:

in aid of which it will always be in the power of Great Britain to make regulations operating in her own ports, with a view to the same effect. To terminate, however, this controversy, in a manner satisfactory to both parties, the President is willing, should other checks be suggested as likely to be more effectual, consistent with the spirit of our constitution, that you should adopt them. The strong feature of the first alternative, which authorizes naturalization, requires the continued residence for five years. In case this be adopted, the President is willing to secure a compliance with that condition, to make it the duty of each alien desirous to become a citizen, to appear in court every year, for the term of five years, till his right shall be completed. This example is given as an illustration of your power; for to exclusion of British seamen from our service no repugnance is felt. To such exclusion the amicable adjustment of this controversy with Great Britain affords a strong motive, but not the only one. It is a growing sentiment in the United States, that they ought to depend on their own population for the supply of their ships of war and merchant service; experience has shewn that it is an abundant resource.

A strong desire has heretofore been expressed by the British government to obtain of the United States an arrangement to prevent the desertion of British seamen, when in our ports: and it cannot be doubted, that a stipulation to that effect would be highly satisfactory as well as useful to Great Britain. It is fairly to be presumed that it alone would afford to the British government a strong inducement to enter into a satisfactory arrangement of the difference relating to impressment. The claim is not inadmissible, especially as the United States have a reciprocal interest in the restoration of deserters from American vessels in British ports.

Of the right of the United States to be exempted from the degrading practice of impressment, as much has been already said, and with such ability, that it would be useless, especially to you, who are otherwise so well acquainted with it, to dilate on its merits.

This practice is not founded on any belligerent right. The greatest extent to which the belligerent claim has been carried over the vessels of neutral nations, is, to board, and take from them persons in the land and sea service of an enemy, contraband of war, and enemy's property. All nations agree respecting the two first articles, but there has been, and still exists, a diversity of opinion as to the last. The Empress Catherine of Russia, a distinguished advocate for just principles, placed herself in 1780 at the head of neutral nations, in favour of a liberal construction of their rights, and her successors have generally followed her example. In all the discussions on these topics, we find nothing of the British claim to impressment—no acknowledgement of it by any treaty, or proof of submission to it by any power. If instances have occurred in which British cruisers have taken British seamen from the vessels of other nations, they were, as it is presumed, in cases either not acquiesced in, or of the extraordinary nature only, affording no countenance to their practice and pretension in relation to the United States. Cases

of this kind, if such there be, afford no proof of a systematic claim in the British government to impressment, or of submission to it by other powers.

This claim is, in fact, traced to another source—the allegiance due by British subjects to the Sovereign, and his right by virtue thereof to their service. This has been distinctly stated in a late declaration by the Prince Regent. Knowing the nature of the claim, we know also the extent of the right and obligations incident to it. Allegiance is a political relation between a Sovereign and his people. It is the obligation which binds the latter in return for the protection which they receive. These reciprocal duties have the same limit. They are confined to the dominions of the Sovereign, beyond which he has no rights, can afford no protection, and can of course claim no allegiance. A citizen or subject of one power, entering the dominions of another, owes allegiance to the latter, in return for the protection he receives. Whether a Sovereign has a right to claim the service of such of his subjects as have left his own dominions, is a question, respecting which also a difference of opinion may exist. It is certain that no Sovereign has a right to pursue his subjects into the territories of another, be the motive for it what it may. Such an entry, without the consent of the other power, would be a violation of its territory, and an act of hostility. Offenders, even conspirators, cannot be pursued by one power into the territory of another; nor are they delivered up by the latter, except in compliance with treaties, or by favour. That the vessels of a nation are considered a part of its territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each state has exclusive jurisdiction over its own vessels.

The British government, aware of the truth of this doctrine, has endeavoured to avoid its consequences in the late declaration of the Prince Regent. It has not contended that British cruizers have a right to pursue and search our vessels for British seamen. It asserts only that they have a right to search them for other objects, and being on board for a lawful cause, and finding British seamen there, that they have a right to impress and bring them away, under the claim of allegiance. When we see a systematic pursuit of our vessels by British cruisers, and the impressment of seamen from them, not at a port of the enemy, where a regular blockade had been instituted, and by the blockading squadron, but in every part of the ocean, on our coast, and even in our harbours, it is difficult to believe that impressment is not the real motive, and the other the pretext for it. But to place this argument of the British government on the strongest ground, let it be admitted that the entry was lawful, is it so to commit an act not warranted by the purpose for which the entry was made? There is a levity in this argument. The British government found its right of impressment from our ships on that of allegiance, which is a permanent right, equally applicable to peace and war. The right of

impressment, therefore, from the vessels of other powers must likewise be permanent, and equally applicable to peace and war. It would not, however, take this broad ground, lest the injustice and extravagance of the pretension might excite the astonishment and indignation of other powers, to whom it would be equally applicable. To claim it as a belligerent right would have been equally unjust and absurd. The British Government was therefore, reduced to dilemma. To acknowledge it would not support the claim on either principle, would be to relinquish it, and yet it could rely on neither. It endeavoured to draw some aid from both. A state of war exists which brings the parties together. Great Britain as a belligerent, and the United States as a Neutral Power. British officers have now a right to board and search American vessels, but for what? Persons in the service of an enemy, contraband of war, or enemy's property? This would not accomplish the end. It is, however, the utmost limit of the belligerent right. Allegiance, which is an attribute of sovereignty, comes to her aid, and communicates all the necessary power. The national character of the neutral vessel ceases. The complete right of sovereignty and jurisdiction over it is transferred to Great Britain.

The remark contained in the declaration of the Prince Regent, that in impressing British seamen from American vessels, Great Britain exercised no right which she was not willing to acknowledge as appertaining equally to the Government of the United States, with respect to American seamen in British merchant ships, proves only that the British Government is conscious of the injustice of the claim, and desirous of giving to it such aid as may be derived from a plausible argument. The semblance of equality, however, in this proposition, which strikes at first view, disappears on a fair examination. It is unfair, first, because it impossible for the United States to take advantage of it. Impressment is utterly repugnant to our constitution and laws. In offering to reciprocate it, nothing was offered, as the British Government well knew. It is unfair, secondly, because if impressment was allowable, a reciprocation of the practice would be no equivalent to the United States. The exercise of a right in common, at sea, by two nations, each over the vessels of the other, the one powerful and the other comparatively weak, would be to put the latter completely at the mercy of the former. Great Britain with her vast navy, would soon be the only party which made impressment. The United States would be compelled to abstain from it, and either to submit to the British rule, with all the abuses incident to power, or to resist it. But should the United States be permitted to make impressment from British vessels, the effect would be unequal. Great Britain has, perhaps, thirty ships of war at sea to one of the United States, and would profit of the arrangement in that proportion. Besides, impressment is a practice incident to war, in which view, likewise, the inequality is not less glaring, she being at least, thirty years at war to one of the United States. It might naturally

have been expected that Great Britain would have given by her conduct some support to the pretensions, that if she had not disclaimed altogether the principle of naturalization, she would at least have excluded from her service foreign seamen. Her conduct, however, has been altogether at variance with her precepts. She naturalizes by special act of Parliament. She naturalizes all persons who reside a certain term in British colonies, all who are born of British subjects, in foreign dominions, and all seamen who have served a certain short term in the British service, and would doubtless protect all such as British subjects, if required by them so to do.

Should improper impressions have been taken of the probable consequences of the war, you will have ample means to remove them. It is certain, that from its prosecution, Great Britain can promise to herself no advantage, while she exposes herself to great expenses, and to the danger of still greater losses. The people of the United States, accustomed to the indulgence of a long peace, roused by the causes and progress of the war, are rapidly acquiring military habits, and becoming a military people. Our knowledge in naval tactics has increased, as has our maritime strength. The gallantry and success of our little navy, have formed an epoch in naval history. The laurels which these brave men have gained, not for themselves alone, but for their country, from an enemy pre-eminent in naval exploits for ages past, are among the proudest boasts of their grateful and affectionate fellow citizens. Our manufactures have taken astonishing growth. In short, in every circumstance in which the war is felt, its pressure tends evidently to unite our people, to draw out our resources, to invigorate our means, and to make us more truly an independent nation, and, as far as may be necessary, a great maritime power.

A strong hope is, therefore, entertained, that full powers will be given to the British Commissioners to arrange all these grounds of controversy in a satisfactory manner. In entering on this interesting part of your duty, the first object which will claim your attention is, that of blockade. The violation of our neutral rights by illegal blockades, carried to an enormous extent by Orders in Council, was a principal cause of the war. These orders, however, and with them the blockade of May, 1806, and, as is understood, all other illegal blockades, have been repealed, so that that cause of war has been removed. All that is now expected is, that the British Government will unite in a more precise definition of blockade.

The British Government has recently, in two formal acts, given definitions of blockade, either of which would be satisfactory. The first is to be seen in a communication from Mr. Merry to this department, bearing date on the 12th of April, 1804. The following are the circumstances attending it: Commodore Hood, the Commander of a British squadron in the West Indies, in 1803, having declared the islands of Martinique and Guadaloupe in a state of blockade, without applying an adequate force to maintain it, the Secretary of State remonstrated against the illegality of the mea-

sure, which remonstrance was laid before the Lords Commissioners of the Admiralty in England, who replied, "that they had sent orders not to consider any blockade of these islands as existing, unless in respect of particular ports, which might be actually invested, and then not to capture vessels bound to such ports, unless they shall have been previously warned not to enter them." The second definition is to be found in a convention between Great Britain and Russia, in June, 1801, 4th sec. 3d art. which declares "that in order to determine what characterises a blockaded port, that denomination is given only to a port where there is, by the disposition of the power which attacks it, with ships stationary, or sufficiently near, an evident danger in entering." The President is willing for you to adopt either of these definitions, but prefers the first as more precise and determinate : and when it is considered, that it was made the criterion by so formal an act between the two governments, it cannot be presumed that the British Government will object to the renewal of it.

An interference with our commerce between enemy's colonies and their parent country, was among the violations of our neutral rights, committed by Great Britain in her present war with France. It took place in 1806, did extensive injury, and produced universal excitement. In securing us against the repetition of it, you will attend to an article of the convention between Russia and Great Britain, entered into on the day of 1801 ; to the eleventh article of the project of a treaty with Great Britain, that was signed by Mr. Monroe and Mr. Pinkney, on the 31st December, 1806 ; and to the instructions from this department, relating to that article of the 20th May, 1807. The capture by Great Britain of almost all the islands of her enemies, diminishes the importance of any regulation on this subject ; but as they may be restored by a treaty of peace, it merits particular attention. It being understood, however, that unless such a trade can be obtained in a proper extent, and without a relinquishment of the principle contended for by the United States, it will be best that the treaty be silent on the subject.

A disposition has been shewn by the British Government, to extend this principle so far as to inhibit a trade to neutrals, even between a power at peace with Great Britain and her enemy, as for example between China and France. The absurdity of this pretension may prevent its being hereafter advanced. It will not, however, be unworthy of your attention.

By an order of the British Government in 1803, British cruisers were authorised to take neutral vessels laden with innocent articles, on their return from an enemy's port, on the pretence that they had carried to such port contraband of war. This order is directly repugnant to the law of nations, as the circumstance of having contraband articles on board bound to an enemy's port, is the only legal ground for seizure. The claim was relinquished by the British Government, in the 9th article of the project above recited ; you

will endeavour, in like manner, to provide against it. It is the practice of British cruisers to compel the commanders of neutral vessels which they meet at sea, either to board them in person with their papers, or to send their papers on board in their boats by an officer. The injustice and irregularity of this procedure, need not be mentioned. You will endeavour to suppress it, in the manner proposed in the third article of a project communicated to Mr. Monroe, at London, in his instructions of the 5th of January, 1804.

The pretension of Great Britain to interdict the passage of neutral vessels with the cargoes from one port to another port of an enemy, is illegal, and very injurious to the commerce of neutral powers. Still more unjustifiable is the attempt to interdict their passage from a port of one independent nation to that of another, on the pretence that they are both enemies. You will endeavour to obtain in both instances, a security for the neutral right. Upon the whole subject I have to observe, that your first duty will be to conclude a peace with Great Britain, and that you are authorised to do it, in case you obtain a satisfactory stipulation against impressment, one which shall secure under our flag, protection to the crew. The manner in which it may be done has been already stated, with the reciprocal stipulations which you may enter into to secure Great Britain against the injury of which she complains. If this encroachment of Great Britain is not provided against, the United States have appealed to arms in vain. If your efforts to accomplish it should fail, all further negotiations will cease, and you will return home without delay. It is possible that some difficulty may occur in arranging this article respecting its duration. To obviate this, the President is willing that it be limited to the present war in Europe. Resting as the United States do, on the solid ground of right, it is not presumable that Great Britain, especially after the advantage she may derive from the arrangement proposed, would ever revive her pretension. In forming any stipulation on this subject, you will be careful not to impair by it the right of the United States, or to sanction the principle of the British claim.

Indemnity for losses seems to be a fair claim on the part of the United States; and the British government, if desirous to strengthen the relations of friendship, may be willing to make it. In bringing the claim into view, you will not let it defeat the primary objects intrusted you.

No difficulty can arise from the case of the non-importation act, which will doubtless be terminated in consequence of a pacification.

In discharging the duties of the trust committed to you, the President desires that you will manifest the highest degree of respect for the Emperor of Russia, and confidence in the integrity and impartiality of his views.

I shall conclude by remarking that a strong hope is entertained that this friendly mediation of the Emperor Alexander will form an epoch in the relations between the United States and Russia, which

will be extensively felt, and be long and eminently distinguished by the happy consequences attending it. Since 1730, Russia has been the pivot on which all questions of neutral right have essentially turned. Most of the wars which have disturbed the world in modern times have originated with Great Britain and France. These wars have affected distant countries, especially in their characters as neutral, and very materially the United States, who took no part in promoting them, and had no interest in the great object of either power.

No. II.

Extract of a Letter from the Secretary of State to the Commissioners.

Department of State, June 23, 1813.

The British Government having repealed the Orders in Council, and the blockade of May, 1806, and all other illegal blockades, and having declared that it would institute no blockade which should not be supported by an adequate force, it was thought better to leave that question on that ground, than to continue the war to obtain a more precise definition of blockade, after the other essential cause of the war, that of impressment, should be removed. But when it is considered that a stipulated definition of blockade will cost Great Britain nothing after having thus recognized the principle, and that such definition is calculated to give additional confidence in the future security of our commerce, it is expected that she will agree to it. The same remark is applicable to the case of impressment, for if the British Government has issued orders to its cruisers, not to impress seamen from our vessels, and notified the same to this Government, that cause of war would also have been removed. In making peace, it is better for both nations, that the controversy respecting the blockade should be arranged by treaty, as well as that respecting impressment.

Should a restitution of Territory be agreed on, it will be proper for you to make a provision for settling the boundary between the United States and Great Britain, on the St. Lawrence and the Lakes, from the point at which the line between them strikes the St. Lawrence, to the north-western corner of the Lake of the Woods, according to the principles of the treaty of peace.

No. III.

Extract from a Dispatch, to the Plenipotentiaries of the United States at Petersburg.

January 1, 1814.

The message of the President, of which I have the honor to transmit you a copy, will make you acquainted with the progress of the war with Great Britain to that period.

Among the advantages attending our success in Upper Canada, was the important one of making capture of Gen. Proctor's baggage, with all the public documents belonging to the British Government in his possession. It is probable that these documents will be laid before Congress, as they are of a nature highly interesting to the

public. You will understand their true character by extracts of two letters from Governor Cass, which are enclosed to you. By these it appears that the British government has exercised its influence over the Indian tribes within our limits, as well as elsewhere, in peace, for hostile purposes towards the United States; and that the Indian barbarities since the war, were in many instances known to, and sanctioned by the British government.

No. IV.

MR. MONROE to the American Plenipotentiaries at Gottenburgh.

Jan. 28, 1814.

[The letter begins by acceding to the proposal* of the British government to treat directly with the American United States.]

On impressment, as to the right of the United States to be exempted from it, I have nothing new to add. The sentiments of the President have undergone no change on that important subject. This degrading practice must cease, our flag must protect the crew, or the United States cannot consider themselves an independent nation. To settle this difference amicably, the President is willing, as you are already informed by the former instructions, to remove all pretexts for it to the British government, by excluding all British seamen from our vessels, and even to extend the exclusion to all British subjects, if necessary, excepting only the few already naturalized; and to stipulate likewise, the surrender of all British seamen deserting in our ports in future from British vessels, public or private. It was presumed by all dispassionate persons, that the late law of Congress relative to seamen would effectually accomplish the object; but the President is willing, as you find, to prevent a possibility of failure, to go farther.

Should a treaty be made, it is proper, and would have a conciliatory effect, that all our impressed seamen who may be discharged under it, should be paid for their services by the British government, for the time of their detention, the wages which they might have obtained in the merchant service of their own country.

Blockade is the subject next in point of importance which you will have to arrange. In the instructions bearing date on the 15th of April, 1813, it was remarked, that as the British government had revoked its Orders in Council, and agreed that no blockade could be legal which was not supported by an adequate force, and that such adequate force should be applied to any blockade which it might hereafter institute, this cause of controversy seemed to be removed. Further reflection, however, has added great force to the expediency and importance of a precise definition of the public law on this subject. There is much cause to presume, that if the repeal of the Orders in Council had taken place in time to have been known here before the declaration of war, and had had the effect of preventing the declaration, not only that no provision would have

* This proposal was communicated in Lord Castlereagh's letter of the 4th Nov. 1813.

been obtained against impressment, but that under the name of blockade, the same extent of coast would have been covered by Proclamation as had been covered by the Orders in Council. The war which these abuses and impressment contributed so much to produce, might possibly prevent that consequence. But it would be more satisfactory, if not more safe, to guard against it by a formal definition in the treaty. It is true, should the British Government violate again the legitimate principles of blockade, in whatever terms or under whatever pretext it might be done, the United States would have in their hands a correspondent resort; but a principal object in making peace is to prevent, by the justice and reciprocity of the conditions, a recurrence again to war, for the same cause. If the British government sincerely wishes to make a durable peace with the United States, it can have no reasonable objection to a just definition of blockade, especially as the two governments have agreed in their correspondence in all its essential features. The instructions of the 15th of April, 1813, have stated in what manner the President is willing to arrange this difference.

On the other neutral rights, enumerated in the former instructions, I shall remark only, that the catalogue is limited in a manner to evince a spirit of accommodation; that the arrangement proposed in each instance is just in itself; that it corresponds with the general spirit of treaties between commercial powers, and that Great Britain has sanctioned it in many treaties, and gone beyond it in some.

On the claim to indemnity for spoliations, I have only to refer you to what was said in the former instructions. I have to add, that should a treaty be formed, it is just in itself, and would have a happy effect on the future relations of the two countries, if indemnity should be stipulated on each side, for the destruction of all unfortified towns, and other property contrary to the laws and uses of war. It is equally proper that the negroes taken from the southern states should be returned to their owners, or paid for at their full value. It is known that a shameful traffic has been carried on in the West Indies, by the sale of these persons here, by those who professed to be their deliverers. Of this fact the proof that has reached this department shall be furnished you. If these slaves are considered as non-combatants, they ought to be restored; if as property, they ought to be paid for. The treaty of peace contains an article which recognises this principle.

No. V.

Extract.—MR. MONROE to the Plenipotentiaries at Gottenburgh.

Department of State, Jan. 30, 1814.

In addition to the claims of indemnity, stated in your preceding instructions, I request your attention to the following:—

On the declaration of war by the United States, there happened to be, in the ordinary course of commerce, several American vessels and cargoes in the ports of Great Britain, which were seized and condemned; and in one instance an American ship, which fled from Algiers, in consequence of the declaration of war by the Dey, to

Gibraltar, with the American Consul, and some public stores on board, shared the like fate.

After the declaration of war, Congress passed an act allowing to British subjects six months, from the date of the declaration, to remove their property out of the United States, in consequence of which, many vessels were removed with their cargoes. Some vessels were permitted to depart after the expiration of the time specified in the law. I will endeavour to get you a list of those vessels.

No. VI.

From the Secretary of State to the Commissioners of the United States.
February 10, 1814.

Should you conclude a treaty, and not obtain a satisfactory arrangement of neutral rights, it will be proper for you to provide, that the United States shall have advantage of any stipulations more favourable to neutral nations, that may be established between Great Britain and other powers, a precedent is found in a declaratory article between Great Britain and Russia, of the 8th of October, 1801, explanatory of the 2d section, 3d article, of a convention concluded between them on the 5th of June of the same year.

No. VII.

Extract from the Secretary of State to the Commissioners of the United States.

February 14, 1814.

By the former instructions, you were authorised in making a treaty to prevent impressment from our vessels to stipulate, provided a certain specified term could not be agreed on, that it might continue in force for the present war in Europe. At that time, it seemed probable that the war might last many years. Recent appearances, however, indicate the contrary. Should peace be made in Europe, as the practical evil of which we complain in regard to impressment would cease, it is presumed that the British government would have less objection to a stipulation to forbear that practice for a specified term, than it would have, should the war continue. In concluding a peace with Great Britain, even in case of a previous general peace in Europe, it is important to the United States to obtain such a stipulation.

No. VIII.

MR. MUNROE, Secretary of State to the Plenipotentiaries of the United States at Gottenburgh.

March 21, 1814.

Gentlemen,---By the cartel Chauncy you will receive this, with duplicates of the commission to treat with Great Britain, and of the instructions and other documents that were forwarded by the John Adams.

If a satisfactory arrangement can be concluded with Great Britain, the sooner it is accomplished the happier for both countries. If such an arrangement cannot be obtained, it is important for the United States to be acquainted with it without delay.

No. IX.

MR. MUNROE to the *Envoy Extraordinary and Ministers Plenipotentiary of the United States.*

June 25, 1814.

At war with Great Britain, and injured by France, the United States have sustained the attitude founded on those relations. No reliance was placed on the good offices of France, in bringing the war with Great Britain to a satisfactory conclusion. Looking steadily to an honourable peace, and the ultimate attainment of justice from both powers, the President has endeavoured, by a consistent and honorable policy, to take advantage of every circumstance that might promote that result. He, nevertheless, knew that France held a place in the political system of Europe, and of the world, which, as a check on England, could not fail to be useful to us. What effect the late events may have had in these respects, is the important circumstance of which you are, doubtless, better informed than we can be.

The President accepted the mediation of Russia, from a respect for the character of the Emperor, and a belief that our cause, in all the points in controversy, would gain strength by being made known to him. On the same principle, he preferred (in accepting the British overture, to treat independent of the Russian mediation) to open the negotiation on the Continent, rather than at London.

It was inferred from the general policy of Russia, and the friendly sentiments and interposition of the Emperor, that a respect for both would have much influence with the British cabinet, in promoting a pacific policy towards us. The manner, however, in which it is understood that a general pacification is taking place; the influence Great Britain may have in modifying the arrangements involved in it; the resources she may be able to employ exclusively against the United States, and the uncertainty of the precise course which Russia may pursue in relation to the war between the United States and Great Britain, naturally claim attention, and raise the important question, in reference to the subject of impressment, on which it is presumed your negotiation will essentially turn, whether your powers ought not to be enlarged, so as to enable you to give to those circumstances, all the weight to which they may be entitled. On full consideration it has been decided, that in case no stipulation can be obtained from the British government at this moment, when its pretensions may have been much heightened by recent events, and the state of Europe be most favourable to them, either relinquishing the claim to impress from American vessels, or discontinuing the practice, even in consideration of the proposed exclusion from them of British seamen, you may concur in an article, stipulating that the subject of impressment, together with that of commerce between the two countries, be referred to a separate negotiation, to be undertaken without delay, at such place as you may be able to agree on, preferring this city, if to be obtained. I annex at the close of this letter, a project of an article, expressing,

more distinctly, the idea which it is intended to communicate, not meaning thereby to restrain you in any respect as to form. Commerce and seamen, the objects of impressment, may, with great propriety, be arranged in the same instrument. By stipulating that commissioners shall forthwith be appointed for the purpose, and that all rights on this subject shall in the mean time be reserved, the faith of the British government will be pledged to a fair experiment in an amicable mode, and the honour and rights of the United States secured. The United States having resisted by war the practice of impressment, and continued the war until this practice had been ceased by a peace in Europe, their object has been essentially obtained for the present. It may reasonably be expected, that the arrangement contemplated and provided for, will take effect before a new war in Europe shall furnish an occasion for reviving the practice. Should this arrangement, however, fail, and the practice be again revived, the United States will be again at liberty to repel it by war; and that they will do so cannot be doubted; for after the proof which they have already given of a firm resistance in that mode persevered in until the practice had ceased, under circumstances the most favourable, it cannot be presumed that the practice will ever be tolerated again.

Information has been received from a quarter deserving attention, that the late events in France have produced such an effect on the British government, as to make it probable that a demand will be made at Gottenburgh, to surrender our right to the fisheries, to abandon all trade beyond the Cape of Good Hope, and cede Louisiana to Spain. We cannot believe that such a demand will be made.

(Article adverted to.)

“Whereas, by the peace in Europe, the essential causes of the war between the United States and Great Britain, and particularly the practice of impressment, have ceased, and a sincere desire exists to arrange, in a manner satisfactory to both parties, all questions concerning seamen; and it is also their desire and intention to arrange, in a like satisfactory manner, the commerce between the two countries; it is therefore agreed, that commissioners shall forthwith be appointed on each side, to meet at——with full power to negotiate and conclude a treaty, as soon as it may be practicable, for the arrangement of those important interests. It is, nevertheless, understood, that until such treaty be formed, each party shall retain all its rights, and that all American citizens who have been impressed into the British service, shall be forthwith discharged.”

No. X.

Extract of a Letter from the Secretary of State to the Commissioners of the United States.

Dated June 27, 1814.

The omission to send ministers to Gottenburgh, without a previous and official notification of the appointment and arrival there of

those of the United States, a formality, which, if due from either party, might have been expected from that making the overture, rather than that accepting it, is a proof of a dilatory policy, and would, in other respects, justify animadversions, if there was less disposition here to overlook circumstances of form, when interfering with more substantial objects.

By my letter of the 25th instant, which goes with this, you will find that the subject had already been acted on under similar impressions with those which Mr. Bayard and Mr. Gallatin's letter could not fail to produce. The view, however, presented by them, is much stronger, and entitled to much greater attention. The President has taken the subject into consideration again, and given to their suggestions all the weight to which they are justly entitled.

On mature consideration it has been decided, that under all the circumstances above alluded to, incident to a prosecution of the war, you may omit any stipulation on the subject of impressment, if found indispensably necessary to terminate it. You will, of course, not recur to this expedient until all your efforts to adjust the controversy in a more satisfactory manner have failed. As it is the intention of the United States, in suffering the treaty to be silent on the subject of impressment, to admit the British claim thereon, or to relinquish that of the United States, it is highly important that any inference be entirely precluded, by a declaration or protest in some form or other, that the omission is not to have any such effect or tendency. Any modification of the practice, to prevent abuses, being an acknowledgment of the right in Great Britain, is utterly inadmissible.

Although Gottenburgh was contemplated at the time your commission was made out, as the seat of the negotiation, yet your commission itself does not confine you to it. You are at liberty, therefore, to transfer the negotiation to any other place made more eligible by a change of circumstances. Amsterdam and the Hague readily present themselves as preferable to any place in England.

No. XI.

Extract of a Letter from the Secretary of State to the Commissioners of the United States.

Dated August 11, 1814.

I had the honour to receive, on the third of this month, a letter from Mr. Bayard and Mr. Gallatin, of the 23d of May, and one from Mr. Gallatin of the 2d of June.

The President approves the arrangement communicated by those gentlemen for transferring the negotiation with the British Government from Gottenburg to Ghent.

By my letters of the 25th and 27th of June, of which another copy is now forwarded, the sentiments of the President as to the conditions on which it will be proper for you to conclude a treaty of peace, are made know to you. This government can go no farther,

because it will make no sacrifice of the rights or honour of the nation.

If Great Britain does not terminate the war on the conditions which you are authorized to adopt, she has other objects in it than those for which he has hitherto professed to contend. That such are entertained, there is much reason to presume. These, whatever they may be, must and will be resisted by the United States. The conflict may be severe, but it will be borne with firmness, and as we confidently believe, be attended with success.

No. II.

NEGOTIATION AT GHENT.

WASHINGTON, Oct. 11.

To the Senate and House of Representatives of the United States.

I lay before Congress communications just received from the Plenipotentiaries of the United States, charged with negotiating peace with Great Britain, shewing the conditions on which alone that government is willing to put an end to the war.

The instructions* to those Plenipotentiaries, disclosing the grounds on which they were authorised to negotiate and conclude a treaty of peace, will be the subject of another communication.

Washington, Oct. 10, 1814.

(Signed) JAMES MADISON.

(A)

Copy of a Letter from Messrs. Adams, Bayard, Clay, and Russell, to Mr. Monroe, Secretary of State, dated Ghent, Aug. 12, 1814.

SIR,—We have the honour to inform you that the British Commissioners, Lord Gambier, Henry Goulburn, Esq. and William Adams, Esq. arrived in this city on Saturday evening, the 6th inst. The day after their arrival, Mr. Baker, their Secretary, called upon us to give us notice of the fact, and to propose a meeting, at a certain hour, on the ensuing day. The place having been agreed upon, we accordingly met, at one o'clock, on Monday, the 8th inst.

We enclose, herewith, a copy of the full powers exhibited by the British Commissioners at that conference; which was opened on their part by an expression of the sincere and earnest desire of their government, that the negotiation might result in a solid peace, honourable to both parties. They, at the same time, declared, that

* These instructions form Part First of these documents.

no events which had occurred since the first proposal for this negotiation, had altered the pacific dispositions of their government, or varied its views as to the terms upon which it was willing to conclude the peace.

We answered, that we heard these declarations with great satisfaction, and that our government had acceded to the proposal of negotiation, with the most sincere desire to put an end to the differences which divided the two countries, and to lay, upon just and liberal grounds, the foundation of a peace which, securing the rights and interest of both nations, should unite them by lasting bonds of amity.

The British Commissioners then stated the following subjects, as those upon which it appeared to them, that the discussions would be likely to turn, and on which they were instructed:—

1. The forcible seizure of mariners on board of merchant vessels, and in connection with it, the claim of his Britannic Majesty to the allegiance of all the native subjects of Great Britain.

We understood them to intimate, that the British government did not propose this point as one, which they were particularly desirous of discussing; but that as it had occupied so prominent a place in the disputes between the two countries, it necessarily attracted notice, and was considered as a subject, which would come under discussion.

2. The Indian allies of Great Britain to be included in the pacification, AND a definite BOUNDARY to be settled for their territory.

The British Commissioners stated, that an arrangement upon this point was a *sine qua non*; that they were not authorised to conclude a treaty of peace which did not embrace the Indians, as allies of his Britannic Majesty; and that the establishment of a *definite boundary** of the Indian territory was necessary to secure a PERMANENT PEACE, not only with the Indians, but also between the United States and Great Britain.

3. A revision of the boundary line between the United States and the adjacent British colonies.

With respect to this point, they expressly disclaimed any intention on the part of their government to acquire an INCREASE of TERRITORY, and represented the proposed revision as intended merely for the purpose of preventing uncertainty and dispute.

* It is important to notice this article. The *sine qua non* is not merely an Indian pacification, but a *new* and a *definite* boundary, which is stated to be *necessary* to secure a *permanent* peace between Great Britain and the United States. Has Great Britain obtained this boundary? Can the peace be permanent without it? If it can, *then* the original demand was criminal and absurd, viewed with respect to its ruinous consequences to the glory and finances of Great Britain; on the other hand, if the assertion of the British Ministers be true, “that no peace can be permanent without a definite “Indian boundary,” *why* have they abandoned that indispensable stipulation?

After having stated these three points as subjects of discussion, the British Commissioners added, that before they desired any answer from us, they felt it incumbent upon them to declare, that the British government did not deny the right of the Americans to the fisheries generally, or in the open seas; but that the privileges, formerly granted by treaty to the United States, of fishing within the limits of the British jurisdiction, and of landing and drying fish on the shores of the British territories, would not be renewed without an equivalent.

The extent of what was considered by them as waters peculiarly British was not stated. From the manner in which they brought this subject into view, they seemed to wish us to understand, that they were not anxious that it should be discussed, and that they only intended to give us notice, that these privileges had ceased to exist, and would not be again granted without an equivalent, nor unless we thought proper to provide expressly in the treaty of peace for their renewal.

The British Commissioners having stated, that these were all the subjects which they intended to bring forward, or to suggest, requested to be informed, whether we were instructed to enter into negotiations on these several points? and, whether there was any amongst these which we thought it unnecessary to bring into the negotiation?—and they desired us to state, on our part, such other subjects as we might intend to propose for discussion in the course of the negotiation. The meeting was then adjourned to the next day, in order to afford us the opportunity of consultation among ourselves, before we gave an answer.

In the course of the evening of the same day, we received your letters of the 25th and 27th of June.

There could be no hesitation on our part, in informing the British Commissioners, that we were not instructed on the subjects of Indian pacification or boundary, and of fisheries. Nor did it seem probable, although neither of these points had been stated with sufficient precision in that first verbal conference, that they could be admitted in any shape. We did not wish, however, to prejudge the result, or by any hasty proceeding, abruptly to break off the negotiation. It was not impossible that, on the subject of the Indians, the British government had received erroneous impressions from the traders in Canada, which our representations might remove: and it appeared, at all events, important to ascertain distinctly the precise intentions of Great Britain on both points. We therefore thought it advisable to invite the British Commissioners to a general conversation on all the points; stating to them, at the same time, our want of instructions on two of them, and holding out no expectation of the probability of our agreeing to any article respecting them.

At our meeting on the ensuing day we informed the British Commissioners, that upon the *first*, and *third*, points proposed by them we were provided with instructions, and we presented as further subjects considered by our government as suitable for discussion.—

1st. A definition of blockade: and, as far as might be mutually agreed, of other neutral and belligerent rights.

2d. Claims of indemnity in certain cases of capture and seizure.

We then stated, that the two subjects, 1st of Indian pacification and boundary, and 2d of fisheries, were not embraced by our instructions.

We observed, that as these points had not been heretofore the grounds of any controversy between the government of Great Britain and that of the United States, and had not been alluded to by Lord Castlereagh, in his letter proposing the negotiation, it could not be expected, that they should have been anticipated and made the subject of instructions by our government: that it was natural to be supposed, that our instructions were confined to those subjects, upon which differences between the two countries were known to exist; and that the proposition to define, in a treaty between the United States and Great Britain, the **BOUNDARY** of the Indian possessions *within* our territories, was new, and without example. No such provisions had been inserted in the treaty of peace in 1783, nor in any other treaty between the two countries—no such provision had, to our knowledge, ever been inserted in any treaty made by Great Britain or any other European power in relation to the same description of people, existing under like circumstances.

We would say, however, that it could not be doubted, that peace with the Indians would certainly follow a peace with Great Britain; —that we had information, that Commissioners had already been appointed to treat with them; that a treaty* to that effect might,

* A treaty of peace has since been concluded, and ratified on the 21st Oct. 1814, by Mr. Madison. The stipulations of the treaty are as follows.

Art. 1. The United States and the *Wyandots, Delawares, Shawanoese, and Senecas*,* give peace to the Miami nation of Indians, formerly designated as *the Miami; Eel River; and Weea tribes*; they extend this indulgence also to the bands of the *Putawatimies*, which adhere to the *Grand Sachem Tobinipee*, and to the *Chief Onoxa*; to the *Ottawas of Blanchard's Creek*, who have attached themselves to the Shawanoese tribe, and to such of the said tribe as adhere to the chief called the *Wing*, in the neighbourhood of Detroit; and to the *Kickapoos*, under the direction of the chiefs who sign this treaty.

Art. 2. The tribes and bands above-mentioned, *engage to give their aid to the United States in prosecuting the war against Great Britain, and such of the Indian tribes as still continue hostile; and to make no peace with either, without the consent of the United States.* The assistance herein stipulated for, is to consist of such a number of their warriors from each tribe as the President of the United States, or any officer having his authority therefore, may require.

Art. 3. The Wyandot tribe, and the Senecas of Sandusky and Stoney

* These tribes were parties to the treaty of Greenville in 1795, and have remained, during the war, faithful to its stipulations. It is important to remember this fact, in the perusal of the subsequent correspondence.

perhaps, have been already concluded—and that the United States having no interest, nor any motive, to continue a separate war against the Indians, there could never be a moment when our government would not be disposed to make peace with them.

We then expressed our wish to receive from the British Commissioners a statement of the views and objects of Great Britain upon all the points, and our willingness to discuss them all, in order that, even if no arrangement should be agreed on, upon the points not included in our instructions, the government of the United States might be possessed of the entire and precise intentions of that of Great Britain respecting these points, and that the British government might be fully informed of the objections on the part of the United States to any such arrangement.

In answer to our remark, that these points had not been alluded to by Lord Castlereagh, in his letter proposing the negotiation, it was said, that it could not be expected that in a letter, merely intended to invite a negotiation, he should enumerate the topics of discussion, or state the pretensions of his government, since these would depend upon *ulterior* events, and might arise out of a *subsequent* state of things.

In reply to our observation, that the proposed stipulation of an Indian *boundary* was without example in the practice of European nations, it was asserted, that the Indians must in some sort be considered as an **INDEPENDENT PEOPLE**, since treaties were made with them, both by Great Britain and by the United States; upon which we pointed out the obvious and important difference between the treaties we might make with Indians, living in our territory, and such a treaty as was proposed to be made, respecting them, with a foreign power, who had solemnly acknowledged the territory on which they resided, to be part of the United States.

We were then asked by the British Commissioners, whether in case they should enter further upon the discussion of the several points which had been stated, we could expect, that it would terminate by some provisional arrangement on the points on which we had no instructions, particularly on that respecting the Indians, which arrangement would be subject to the ratification of our government?

Creek, the Delaware and Shawanoese tribes, who have preserved their fidelity to the United States throughout the war, *again acknowledge themselves under the protection of the said States, and of NO OTHER POWER WHATSOEVER*; and agree to aid the United States, in the manner stipulated for in the former article, and to make *no peace*, *but* with the consent of the said States.

Art. 4. In the event of a faithful performance of the conditions of this treaty, the United States will confirm and establish all the boundaries between their lands and those of the Wyandots, Delaware, Shawanoese, and Miamies, as they existed previously to the commencement of the war.

In testimony whereof, the said Commissioners and the said Head-men, Chiefs, and Warriors, of the before-mentioned tribes of Indians have hereunto set their hands and affixed their seals, &c. &c. &c.

We answered, that before the subjects were distinctly understood, and the objects in view more precisely disclosed, we could not decide, whether it would be possible to form any satisfactory article on the subject; nor pledge ourselves as to the exercise of a discretion under our powers, even with respect to a provisional agreement. We added, that as we should deeply deplore a rupture of the negotiation on any point, it was our anxious desire to employ all possible means to avert an event so serious in its consequences; and that we had not been without hopes, that a discussion might correct the effect of any erroneous information which the British government might have received on the subject, which **THEY** had proposed as a *preliminary* basis.

We took this opportunity to remark, that no nation observed a policy more liberal and humane towards the Indians than that pursued by the United States; that our object had been, by all practicable means, to introduce civilization among them: that their possessions were secured to them by well defined boundaries; that their persons, lands, and other property were now more effectually protected against violence or frauds from any quarter, than they had been under any former government; that even our citizens were not allowed to purchase their lands; that when they gave up their title to any portion of their country to the United States, it was by voluntary treaty with our government, who gave them a satisfactory equivalent; and that through these means, the United States had succeeded in preserving, since the treaty of Greenville* of 1795, an uninterrupted peace of sixteen years with all the Indian tribes—a period of tranquillity much longer than they were known to have enjoyed heretofore.

It was then expressly stated on our part, that the proposition re-

* A fort and settlement in the North Western territory of America, on a branch of the Great Miami River, six miles north west of Fort Jefferson, and about 23 miles S. E. of Fort Recovery. The treaty of Greenville was concluded on the 2d of August, 1795, by General Wayne, with the chiefs of the following tribes.

1. Wyandots. 2. Delawares. 3. Shawanoese. 4. Ottawas. 5. Chip-pawas. 6. Putawatimies. 7. Miamis. 8. Eel River. 9. Weecas. 10. Kickapoos. 11. Pian Kashaws, and 12. Kaskaskias.

Of these tribes, No. 1, 2, 3, have continued as Allies to the United States during the present war.

No. 4, 6, 7, 8, 9, 10, assisted Great Britain, but are included in the peace concluded on the 21st October, 1814; and “engage to take part *against* Great Britain.”

There remains, then, only *three* tribes, No. 5, 11, and 12, who are still in hostility with the United States.

By the Treaty of Greenville, the Indians ceded various large tracts of territory to the United States; and amongst other stipulations, consented to grant to the Americans “*sixteen tracts of land of 6 and 12 miles square,*” to be interspersed at *convenient* distances, in the *reserved* Indian Country. In return for these cessions, these independent States received goods to the amount of 5000l; and, are to receive, *annually*, goods of the value of 2400l.

specting the Indians was not distinctly understood. We asked whether the pacification, AND the settlement of a BOUNDARY for them, were both made a *sine qua non*? Which was answered in the AFFIRMATIVE. The question was then asked the British Commissioners, whether the proposed Indian boundary was intended to preclude the United States from the right of purchasing by treaty from the Indians, without the consent of Great Britain, lands lying beyond that boundary?—and as a restriction upon the Indians from selling, by amicable treaties, lands to the United States, as had been hitherto practised?

To this question, it was first answered by one of the Commissioners, that the Indians would not be restricted from selling their lands, *but* that the United States would be restricted from purchasing them; and on reflection, another of the Commissioners stated, that it was intended that the Indian territories should be a BARRIER between the British dominions and those of the United States; that both Great Britain and the United States should be restricted from purchasing their lands; but that the Indians might sell them to a THIRD party.*

The proposition respecting Indian boundary, thus explained, and connected with the right of sovereignty ascribed to the Indians over the country, amounted to nothing less than a demand of the absolute cession of the rights both of SOVEREIGNTY and of SOIL.† We cannot abstain from remarking to you, that the subject of Indian boundary was indistinctly stated when first proposed, and that the explanations were at first obscure, and always given with reluctance. And it was declared from the first moment, to be a *sine qua non*, rendering any discussion unprofitable, until it was admitted as a basis.

* WHO was to be the *third Party*? The French? The Indian Territories thus opened to the purchase of a “*third Party*,” are three times as large as the United Kingdom of Great Britain and Ireland!

† These expressions are most correct. The territory thus demanded by the British Ministers, is included in the treaty of 1783, within the “limits and sovereignty, of the United States of America.” It forms what is called the “NORTH WESTERN TERRITORY,” and, (belonging to the Federal, or general government,) is by a law of Congress: to “be sold for the discharge of the National debt of the United States.” This territory contains *two hundred and twenty millions of Acres*; and by an ordinance of Congress July 13th 1787, was formed into “not less than three, nor more than five States, each of which, when it shall have 60,000 free inhabitants, shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever.” As to the rights of “*Soil*,” claimed by the United States, it is only necessary to observe, that they are founded upon *actual purchase* from the Indians, who have received a satisfactory consideration for the lands, on which their title is extinguished.

After this explanation, it is difficult to understand Lord Castlereagh’s assurance, that a “principal object of the British Government in making peace, was to prevent, by the *justice and propriety of the conditions*, a recurrence to war!!!”

Knowing that we had no power to cede to the Indians any part of our territory, we thought it unnecessary to ask, (what probably would not have been answered, till the principle was admitted,) *where* the line of demarcation of the Indian country was proposed to be established?

The British Commissioners, after having repeated, that their instructions on the subject of the Indians were peremptory, stated, that unless we could give some assurance, that our powers would allow us to make, at least, a provisional arrangement on the subject, any further discussion would be fruitless, and that they must consult their own government on this state of things. They proposed accordingly a suspension of the conferences, until they should have received an answer, it being understood, that each party might call a meeting, whenever they had any proposition to submit. They dispatched a special messenger the same evening, and we are now waiting for the result.

Before the proposed adjournment took place, it was agreed, that there should be a protocol of the conferences; that a statement should for that purpose be drawn up by each party, and that we should meet the next day to compare the statements.

We accordingly met again on Wednesday the 10th instant, and ultimately agreed upon what should constitute the protocol of the conferences. A copy of this instrument we have the honour to transmit with this dispatch; and we also enclose a copy of the statement originally drawn up on our part, for the purpose of making known to you the passages to which the British Commissioners objected.

Their objection to some of the passages was, that they appeared to be argumentative, and that the object of the protocol was to contain a mere statement of facts. They, however, objected to the insertion of the answer which they had given to our question respecting the effect of the proposed Indian boundary; but they agreed to an alteration of their original proposition on that subject, which renders it much more explicit than as stated, either in the first conference, or in the proposed draught of the protocol.

They also objected to the insertion of the facts, that they had proposed to adjourn the conferences, until they could obtain further instructions from their Government. The return of their messenger may, perhaps, disclose the motive of their reluctance in that respect. We have the honour to be, very respectfully, Sir, your humble and obedient servants.

(signed)
JOHN QUINCY ADAMS, H. CLAY,
J. A. BAYARD, JONA. RUSSELL.

PROTOCOL OF CONFERENCE, Aug. 8, 1814.

The British and American Commissioners having met, their full powers were respectively produced, which were found satisfactory, and copies thereof were exchanged.

The British Commissioners stated the following subjects as those upon which it appeared to them that the discussions between themselves and the American Commissioners would be likely to turn :---

1. The forcible seizure of mariners from on board merchants ships on the high seas, and in connection with it, the right of the King of Great Britain to the allegiance of all his native subjects.

2. That the peace be extended for the Indian Allies of Great Britain, and that the BOUNDARY of their territory be definitely marked out, as a PERMANENT BARRIER between the dominions of Great Britain and the United States. An arrangement on this subject to be a SINE QUA NON of a treaty of peace.

3. A revision of the boundary line between the British and American territories, with the view to prevent future uncertainty and dispute.

The British Commissioners requested information whether the American Commissioners were instructed to enter into negotiation on the above points? But before they desired any answer, they felt it right to communicate the intentions of their Government as to the North American fisheries, viz. that the British Government did not intend to grant to the United States gratuitously, the privileges formerly granted by treaty to them, of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the fisheries.

AUGUST 9.

The meeting being adjourned to the 9th of August, the Commissioners met again on that day.

The American Commissioners at this meeting stated, that upon the *first* and *third* points proposed by British Commissioners, they were provided with instructions from their Government; and, that the *second* and *fourth* of these points were not provided for in their instructions: That in relation to an Indian pacification, they knew, that the Government of the United States, had appointed Commissioners to treat of peace with the Indians, and that it was not improbable, that peace had been made with them.

The American Commissioners presented further subjects considered by the Government of the United States as suitable for discussion.

1. A Definition of Blockade, and, as far as may be agreed, of other neutral and belligerent rights.

2. Certain claims of indemnity to individuals for captures and seizures preceding and subsequent to the war.

3. They further stated, that there were various other points to which their instructions extended, which might, with propriety, be objects of discussion, either in the negotiation of the peace, or in that of a treaty of commerce, which in the case of a propitious termination of the present conferences, they were likewise authorized to conclude: That for the purpose of facilitating the first and most essential object of peace, they had discarded every subject, which was not considered as peculiarly connected with that, and presented

only those points, which appeared to be immediately relevant to this negotiation.

The American Commissioners expressed their wish to receive from the British Commissioners a statement of the views and objects of Great Britain upon all the points, and their willingness to discuss them all.

They, (the American Commissioners,) were asked, whether if those of Great Britain should enter FURTHER upon this discussion, particularly respecting the INDIAN BOUNDARY, the American Commissioners could expect, that it would terminate by some provisional arrangement, which they could conclude, subject to the ratification of their government?

They answered, that as any arrangement to which they could agree upon the subject must be without specific authority from their Government, it was not possible for them, previous to discussion, to decide, whether any article on the subject could be formed, which would be mutually satisfactory, and to which they should think themselves, under their discretionary powers justified in acceding.

(True Copy) (Signed) CHRIST. HUGHES, Jun. Sec. of Leg.

The meeting was adjourned.

Messrs. Adams, Bayard, Clay, Russell, and Gallatin, to Mr. Monroe, Secretary of State, dated Ghent, Aug. 19, 1814.

Sir,—Mr. Baker, Secretary to the British Mission, called upon us to-day at one o'clock, and invited us to a conference to be held at three. This was agreed to, and the British Commissioners opened it by saying, that they had received their further instructions this morning, and had not lost a moment in requesting a meeting, for the purpose of communicating the decision of their government. It is proper to notice, that Lord Castlereagh *had arrived last night in this city*, whence, it is said, he will depart to-morrow on his way to Brussels and Vienna.

The British Commissioners stated, that their Government had felt some surprise, that we were not instructed respecting the Indians; as it could not have been expected, that they would leave *their allies* in their comparatively *weak situation*, exposed to our resentment. Great Britain might justly have supposed, that the American Government would have furnished us with instructions, authorising us to agree to a positive article on the subject; but the least she could demand was, that we should sign a provisional article, admitting the principle, subject to the ratification of our government; so that if it should be ratified, the treaty should take effect; and if not, that it should be null and void: on our assent or refusal to admit such an article, would depend the *continuance* or *suspension* of the negotiation.

As we had represented, that the proposition made by them on that subject was not sufficiently explicit, their Government had directed them to give us every necessary explanation, and to state distinctly the BASIS, which must be considered as an INDISPENSABLE PRELIMINARY.

It was a *sine qua non*, that the Indians should be included in the pacification, and as incident thereto, that the BOUNDARIES of their territory should be permanently established. Peace with the Indians was a subject so simple, as to require no comment. With respect to the boundaries which were to divide their territory from that of the United States, the object of the British Government was, that the Indians should remain as a PERMANENT BARRIER between our western settlements and the adjacent British provinces, to prevent them from being counterminous to each other, and that neither the United States nor Great Britain should ever, hereafter, have the right to purchase or acquire any part of the territory thus recognised as belonging to the Indians. With regard to the extent of the Indian territory, and the boundary line, the British Government would propose the lines of the Greenville Treaty, as a proper basis, subject, however, to discussions and modifications.

We here stated, that the Indian territory, according to these lines, would comprehend a great number of American citizens, not less, perhaps, than *one hundred thousand*; and asked, what was the intention of the British Government respecting them, and under whose Government they would fall? It was answered, that those settlements would be taken into consideration, when the line became a subject of discussion; but that such of the inhabitants as would ultimately be included within the Indian territory, must make their own arrangements, and provide for themselves.

The British Commissioners here said, that considering the importance of the question we had to decide, (that of agreeing to a provisional article) their Government had thought it right, that we* should also be fully informed of its views, with respect to the proposed revision of the boundary line, between the dominions of Great Britain and the United States.

1st. Experience had proved, that the joint possession of the Lakes, and a right common to both nations to keep up a naval force on them, necessarily produced collisions, and rendered peace insecure. As Great Britain could not be supposed to expect to make conquests in that quarter, and as the province was essentially weaker than the United States, and exposed to invasion, it was NECESSARY for its SECURITY, that Great Britain should require, that the United States should, hereafter, keep no armed naval force on the western Lakes, from Lake Ontario to Lake Superior, both inclusive; that they should not erect any fortified or military post or establishment on the shores of those Lakes; and that they should not maintain those, which were already existing.† This must, they said, be considered as a moderate demand,‡ since Great Britain, if she had not disclaimed the inten-

* It is material to observe this branch of the discussion, which is stated in terms almost amounting to a "*sine qua non*."

† Have these stipulations, here declared to be "so necessary for the security of Great Britain," been obtained? Are the Americans to retain "joint possession of the Lakes;" and, if they are, "is the peace secure?"

‡ Certainly, it is also admirably calculated to "prevent, by its justice and propriety, the recurrence of war!"

tion of any increase of territory, might, with propriety, have asked a cession of the adjacent American shores. The commercial navigation and intercourse would be left on the same footing as heretofore. It was expressly stated (in answer to a question asked) that Great Britain was to retain the right of having an armed naval force on those Lakes, and holding military posts and establishments on their shores.

2. The boundary line west of Lake Superior, and thence to the Mississippi, to be revised ; and the treaty right of Great Britain to the navigation of the Mississippi to be continued. They were asked, whether they did not mean the line from the Lake of the Woods to the Mississippi ? The British Commissioners repeated, that they, meant the line from Lake Superior to that river.

3. A direct communication from Halifax and the province of New Brunswick to Quebec, to be secured to Great Britain. In answer to our question in what manner this was to be effected, we were told, that it must be done by a cession to Great Britain of that portion of the district of Maine, (in the state of Massachusetts,) which intervenes between New Brunswick and Quebec, and prevents that direct communication. Reverting to the proposed provisional article respecting the Indian pacification and boundary, the British Commissioners concluded by stating to us, that if the conferences should be suspended by our refusal to agree to such an article, without having obtained further instructions from our government, Great Britain would not consider herself bound to abide by the terms* which she now offered, but would be at liberty to vary and regulate her demands according to subsequent events, and in such manner, as the state of the war, at the time of renewing the negotiations, might warrant.

We asked, whether the statement made respecting the proposed revision of the boundary line between the United States and the dominions of Great Britain embraced all the objects she meant to bring forward for discussion, and what were particularly her views, with respect to Moose Island, and such other islands in the bay of Passamaquoddy, as had been in our possession till the present war, but had been lately captured ? We were answered, that those islands, belonging of right to Great Britain (as much so, one of the Commissioners said, as Northamptonshire), they would certainly be kept by her, and were not even supposed to be an object of discussion.

From the forcible manner in which the demand, that the United States should keep no naval armed force on the Lakes, nor any military post on their shores, had been brought forward, we were

* This is evidently a menace ; but considering the nature of the peace which has been concluded, Ministers, no doubt, will now descant with great complacency, on the advantage of having "*Two Strings to your Bow.*"

† Compare this lofty declaration with the actual terms of the Treaty, concluded at Ghent, on the 24th of December.

induced to enquire, whether this was a *sine qua non*? To which the British Commissioners declined giving a positive answer. They said, they had been sufficiently explicit; that they had given us one *sine qua non*; and when we had disposed of that, it would be time enough to give us an answer as to another.

We then stated, that, considering the nature and importance of the communication made this day, we wished the British Commissioners to reduce their proposals to writing, before we gave them an answer; this they agreed to, and promised to send us an official note without delay.

We need hardly say, that the demands of Great Britain will receive from us an unanimous and decided negative. We do not deem it necessary to detain the John Adams, for the purpose of transmitting to you the official notes which may pass on the subject, and close the negotiation; and we felt it our duty immediately to apprise you, by this hasty but correct sketch of our last conference, that there is not, at present, any hope of peace.

We have the honour to be, &c.

JOHN QUINCY ADAMS,	JONA. RUSSELL,
J. A. BAYNARD,	ALBERT GALLATIN.
H. CLAY,	

(No. I.)

*NOTE OF THE BRITISH COMMISSIONERS,

[Received after the above Letter was written.]

The undersigned, Plenipotentiaries of his Britannic Majesty do themselves the honour of acquainting the Plenipotentiaries of the United States, that they have communicated to their Court the result of the conference which they had the honour of holding with them upon the 9th instant, in which they stated, that they were unprovided with any specific instructions as to comprehending the Indian nations in a treaty of peace to be made with Great Britain, AND as to defining a BOUNDARY to the Indian territory.

The undersigned are instructed to acquaint the Plenipotentiaries of the United States, that his Majesty's Government, having at the outset of the negotiation, with a view to the speedy restoration of peace, reduced, as far as possible, the number of points to be discussed, and having professed themselves willing to forego, on some important topics, any stipulation to the advantage of Great Britain, cannot but feel some surprise, that the Government of the United States should not have furnished their Plenipotentiaries with instructions upon those points, which could hardly fail to come under discussion.

Under the inability of the American Plenipotentiaries to conclude any article upon the subject of Indian pacification AND Indian BOUNDARY, which shall bind the Government of the United States, his Majesty's Government conceive, that they cannot give a better

* This is Lord Castlereagh's "*ultimatum*," which produced such a general sentiment of indignation throughout America.

proof of their sincere desire for the restoration of peace, than by professing their willingness to accept a provisional article upon those heads, in the event of the American Plenipotentiaries considering themselves authorised to accede to the general principles, upon which such an article ought to be founded. With a view to enable the American Plenipotentiaries to decide, how far the conclusion of such an article is within the limit of their general discretion, the undersigned are directed to state fully and distinctly, the bases, upon which, **ALONE**, Great Britain sees any prospect of advantage in the continuance of the negotiations at the present time.

The undersigned have already had the honour of stating to the American Plenipotentiaries, that in considering the points above referred to as a *sine qua non* of any treaty of peace, the view of the British Government is the permanent tranquillity and security of the Indian nations, and the prevention of those jealousies and irritations, to which the frequent alteration of the Indian limits has heretofore given rise.

For this purpose, it is indispensably necessary that the Indian nations who have been, during the war, in alliance with Great Britain, should, at the termination of the war, be included in the pacification.

It is equally necessary, that a **DEFINITE BOUNDARY** should be assigned to the Indians, and that the contracting parties should guarantee the integrity of their territory, by a mutual stipulation, not to acquire by purchase, or otherwise, any territory within the specified limits. The British Government are willing to take, as the basis of an article on this subject, those stipulations of the treaty of Greenville, subject to modifications which relate to a boundary line.

As the undersigned are desirous of stating every point in connection with the subject, which may reasonably influence the decision of the American Plenipotentiaries in the exercise of their discretion, they avail themselves of this opportunity to repeat, what they have already stated, that Great Britain desires the revision of the frontier between her North American dominions and those of the United States, not with any view to an acquisition of territory, as such, but for the purpose of securing her possessions, and preventing future disputes.

The British Government consider the Lakes, from Lake Ontario to Lake Superior, both inclusive, to be the natural military frontier of the British possessions in North America. As the **WEAKER** power on the North American continent, the least capable of acting offensively, and the most exposed to sudden invasion, Great Britain considers the military occupation of these Lakes, as **NECESSARY** to the **SECURITY** of her dominions. A boundary line equally dividing these waters, with a right to each nation to arm, both upon the Lakes and upon their shores, is calculated to create a contest for naval ascendancy in peace, as well as in war. The power which occupies these Lakes should, as a necessary result, have the military occupation of both shores.

In furtherance of this object, the British Government is prepared to propose a boundary: but as this might be misconstrued as an intention to extend their possessions to the southward of the Lakes, which is by no means the object they have in view, they are disposed to leave the territorial limits undisturbed, and as incident to them, the free commercial navigation of the Lakes, provided that the American Government will stipulate not to maintain, or construct, any fortifications upon, or within a limited distance of the shores, or maintain or construct any armed vessels upon the Lakes in question, or on the rivers,* which empty themselves into the same.

If this can be adjusted, there will then remain for discussion, the arrangement of the north western boundary between Lake Superior and the Mississippi, the free navigation of that river, and such a vacation of the line of frontier, as may secure a direct communication between Québec and Halifax.

The undersigned trust, that the full statement which they have made of the views and objects of the British Government, in requiring the pacification of the Indian nations, AND a permanent limit to their territories, will enable the American Plenipotentiaries to conclude a provisional article upon the basis above stated. Should they feel it necessary to refer to the Government of the United States for further instructions, the undersigned feel it incumbent upon them to acquaint the American Plenipotentiaries, that the British Government cannot be precluded, by any thing that has passed, from varying the terms now proposed, in such manner, as the state of the war, at the time of resuming the conferences, may, in thier judgment, render advisable.

* This, ("*the rivers*,") is an addition to the demands made in the conference of the 19th August, and is another proof of Lord Castlereagh's moderation, and conciliating spirit! Was that *great diplomatist* so ignorant of the practical consequences of this additional demand, as to imagine, that the insertion of a few words would ensure, as a matter of course, its immediate acceptance by the American Plenipotentiaries? It would be difficult, in a note, to enumerate ALL the rivers which empty "themselves into the Lakes of America," or their infinite importance to the commerce of that great Continent, it will be sufficient (to shew the absurdity of this "moderate demand,") to point out a *few* of the rivers, on which the United States was not to "maintain any armed vessels."

The SENECA River, in the State of New York, empties itself into Lake Ontario, through the ONONDAGO River, and both are navigable.

The GENESEE River, which runs in Pennsylvania, after a course of 100 miles, empties itself into Lake Ontario; and is a navigable river of the utmost importance, having various large towns and settlements on its banks.

The "MIAMI of the Lakes," a navigable River, which falls into LAKE ERIE, and communicates, by a *portage* of five miles, with the GREAT MIAMI, the WABASH, and the MISSISSIPPI Rivers, forming the grand channel of commercial communication, between the Lakes and the Mississippi.

There are various other Rivers:—Is it a "moderate demand," to exclude America from her Lakes, and to make one of the principal channels of her inland commerce, dependant upon the pleasure of a British Colony?

The undersigned avail themselves of this occasion to renew to the Plenipotentiaries of the United States the assurance of their high consideration.

(Signed)

Ghent, August 19, 1814.

GAMBIER,
WILLIAM ADAMS,
HENRY GOULBURN.

(C.)

Copy of a Letter from Messrs. Adams, Bayard, Clay, Russell, and Gallatin, to the Secretary of State, dated Ghent, Oct. 25, 1814.

SIR,—We have the honour of transmitting herewith copies of all our correspondence with the British Plenipotentiaries, since the departure of Mr. Dallas. Although the negotiation has not terminated so abruptly as we expected at that period that it would, we have no reason to retract the opinion which we then expressed, that no hopes of peace as likely to result from it, could be entertained. It is true, that the terms which the British Government had so *peremptorily* prescribed at that time, have been *apparently abandoned*, and that the *sine qua non* then required as a *preliminary to all discussion upon other topics*, has been reduced to an article securing *merely an Indian pacification*, which we have agreed to accept, subject to the ratification or rejection of our Government. But you will perceive, that our request for the exchange of a project of a Treaty *has been eluded*; and that, in their last note, the British Plenipotentiaries have advanced a demand,* not only *new and inadmissible*, but totally *incompatible with their uniform previous declarations*, that Great Britain had no view in this negotiation to any *acquisition of territory*. It will be perceived, that this *new pretension* was brought forward *immediately after the accounts* had been received, that a British force had taken possession of all that part of the State of Massachusetts, situate East of Penobscot river. The British Plenipotentiaries have invariably referred to their Government every note received from us, and *waited the return of their messenger*, before they have transmitted to us their answer; and the whole tenor of their correspondence, as

* This is the proposal (No. 9. p. 79.) for treating on the basis of "*uti possidetis*," brought forward at this time, (Oct. 21.) in consequence of the acquisition of the territory east of the Penobscot river, by the British troops under Sir John Sherbrooke. At this time (Oct. 1814) the question of "*INDIAN PACIFICATION*" had been settled, and peace might have been immediately concluded. Lord Liverpool has said, however, in Parliament, that an "*able negotiator*" should take a *large view* of every question, and should demand *more* than "he intends to take." National disgrace, and ENORMOUS EXPENDITURE are trifles when put into competition with this principle, which, in the present instance, could not have had any reference to "*views of territorial acquisition*;" and was only calculated to exhibit the *diplomatic skill* of his Majesty's Ministers. They have, undoubtedly, obtained *much less* than they demanded, and the public will pay *largely* for this specimen of Ministerial genius and *prudence*! But what then? Are not our finances in the most *flourishing* condition, and have we not our *Corn Laws*, our *new Assessed Taxes*, our *Peace Establishment* of 19 millions, &c. &c.!!

well as the manner, in which it has been conducted on the part of the British Government, have concurred to convince us, that their OBJECT HAS BEEN DELAY their motives for this policy we presume to have been, to keep the *alternative of peace or a protracted war in their own hands*, until a general arrangement of European affairs should be accomplished at the Congress of Vienna, and until they could avail themselves of the *advantages*, which they have anticipated from the success of their arms, during the present campaign in America.

Although the Sovereigns, who had determined to be present at the Congress of Vienna, have been already several weeks assembled there, it does not appear, by the last advices from that place, that the Congress has been formally opened. On the contrary, by a declaration from the Plenipotentiaries of the Powers, who were parties to the Peace of Paris, of 30th May last, the opening of the Congress appears to have been postponed to the first of November. A Memorial is said to have been presented by the French Ambassador, Talleyrand, in which it is declared, that France having returned to her boundaries in 1792, can recognise none of the aggrandizements of the other great Powers of Europe since that period, although not intending to oppose them by war.

These circumstances indicate, that the new basis for the Political System of Europe, will *not be so speedily settled as had been expected*. The principle thus assumed by France is very *extensive* in its effects, and opens a field for *negotiation* much wider than had been anticipated. We think it does not promise an aspect of immediate tranquility to the Continent, and that it will disconcert particularly the measures which Great Britain has been taking with regard to the future destination of this country, among others, and to which she has attached, apparently, much importance.—We have the honour to be, with great respect, Sir, your very humble servants,

JOHN QUINCY ADAMS.

J. A. BAYARD.

No. II.

The Ministers Plenipotentiary and Extraordinary of the United States to the Plenipotentiaries of His Britannic Majesty.

Ghent, August 25, 1814.

The undersigned, Ministers Plenipotentiary and Extraordinary from the United States of America, have given to the official note which they have had the honour of receiving from his Britannic Majesty's Plenipotentiaries, the deliberate attention which the importance of its contents required, and have now that of transmitting to them their answer, on the several points to which it refers. They would present to the consideration of the British Plenipotentiaries, that Lord Castlereagh, in his letter of the 4th of November, 1813, to the American Secretary of State, pledged the faith of the British Government, that they were willing to enter into discussion with the Government of America "for the conciliatory adjustment of the differences subsisting between the two States, with an earnest desire

“on their part to bring them to a favourable issue, upon principles of perfect reciprocity, not inconsistent with the established maxims of public law, and with the *maritime* rights of the British Empire.” This fact alone might suffice to shew, that it ought not to have been expected, that the American Government, in acceding to this proposition, should have extended its terms, and furnished the undersigned with instructions, authorising them to treat with the British Plenipotentiaries respecting Indians, situated *within* the boundaries of the United States. That such expectation was not entertained by the British Government might also have been inferred from the explicit assurances which the British Plenipotentiaries gave, on the part of their Government, at the first conference which the undersigned had the honour of holding with them, “that no events, subsequent to the first proposal for this negotiation, had, in any manner, varied, either the disposition of the British Government, that it might terminate in a peace honourable to both parties, or the terms upon which they would be willing to conclude it.”

It is well known, that the differences which unhappily subsist between Great Britain and the United States, and which ultimately led to the present war, were wholly of a maritime nature, arising principally from the British Orders in Council, in relation to blockades, and from the impressment of mariners on board of American vessels. The **BOUNDARY** of the Indian territory had **NEVER** been a subject of difference between the two countries. Neither the principles of reciprocity, the maxims of public law, nor the **MARITIME** rights of the British Empire, could require the permanent establishment of such boundary. The novel pretension now advanced could no more have been anticipated by the Government of the United States in forming instructions for this negotiation, than they seem to have been contemplated by that of Great Britain in November last in proposing it. Lord Castlereagh’s note makes the termination of the war to depend on a “conciliatory adjustment of the differences *then* subsisting between the two States,” and, on **NO OTHER** condition whatever.

Nor could the American Government have foreseen, that Great Britain, in order to obtain peace for the Indians, residing within the dominions of the United States, whom she has induced to take part with her in the war, would demand, that they should be made parties to the treaty between the two nations, or that the boundaries of their lands should be permanently and irrevocably fixed by that treaty. Such a proposition is contrary to the acknowledged principles of public law, and to the practice of all civilized nations, particularly of Great Britain and the United States. It is not founded on reciprocity: It is unnecessary for the attainment of the object, which it professes to have in view.

No maxim of public law has hitherto been more universally established among the powers of Europe possessing territories in America, and there is none to which Great Britain has more uniformly and inflexibly adhered, than that of suffering no interposition of

foreign power in the relations between the acknowledged sovereign of the territory, and the Indians situated upon it. Without the admission of this principle, there would be no intelligible meaning attached to stipulations establishing boundaries between the dominions, in America, of civilized nations possessing territories inhabited by Indian tribes. Whatever may be the relations of Indians to the nation in whose territory they are thus acknowledged to reside, they cannot be considered as an independent power, by the nation which has made such acknowledgment.

The territory of which Great Britain now wishes to dispose, is within the dominions of the United States, was solemnly acknowledged by herself, in the Treaty of Peace, of 1783, which established their boundaries, and by which she relinquished ALL claims to the government, proprietary and territorial rights, within those boundaries. No condition respecting the Indians residing therein, was inserted in that treaty. No stipulations similar to that now proposed, is to be found in any treaty made by Great Britain, or within the knowledge of the undersigned, by any other nation.

The Indian tribes, for which Great Britain proposes now to stipulate, have themselves acknowledged this principle. By the Greenville Treaty, of 1795, to which the British Plenipotentiaries have alluded, it is expressly stipulated, and the condition has been confirmed,* by every subsequent treaty, so late as the year 1810—
 “That the Indian tribes shall quietly enjoy their lands, hunting, planting, and dwellings thereon, so long as they please, without any molestation from the United States; but that when those tribes, or any of them, shall be disposed to sell their lands they are to be sold only to the United States: that, until such sale, the United States will protect all the said Indian tribes, in the quiet enjoyment of their lands, against all citizens of the United States, and against all other white persons who intrude on the same; and that the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and of no other power whatever.”

That there is no reciprocity in the proposed stipulation is evident. In prohibiting Great Britain and the United States from purchasing lands within a part of the dominions of the latter power, while it professes to take from Great Britain a privilege which she had not, it actually deprives the United States, of a right exclusively belonging to them. The proposition is also utterly unnecessary for the purpose of obtaining a pacification for the Indians residing within the territories of the United States. The undersigned have already had the honour of informing the British Ple-

* Vide the Treaty of 21st October, 1814, Article 3, Concluded with the Indians by Governor Cass, and General Harrison. This treaty proves, that **LITTLE CASS** is a more successful diplomatist, than **GREAT CASS**!!! Those who have attended the diplomatic entertainments, at Vienna, will admit the *truth* of this remark.

plenipotentiaries, that, under the system of liberal policy adopted by the United States, in their relations with the Indians within their territories, an uninterrupted peace had subsisted from the year 1795, not only between the United States and all those tribes, but also amongst those tribes themselves, for a longer period of time than ever had been known since the first settlement of North America. Against those Indians, the United States have neither interest nor inclination to continue the war. THEY HAVE NOTHING TO ASK OF THEM BUT PEACE. Commissioners on their part, have been appointed to conclude it, and an armistice was actually made last autumn, with most of those tribes. The British Government may again have induced some of them to take their side in the war, but peace with them will necessarily follow immediately, a peace with Great Britain.

To a provisional article,* similar to what has been stipulated in some former treaties, engaging, that each party will treat for the Indians within its territories, *include* them in the peace, and use its best endeavours to prevent them from committing hostilities against the citizens or subjects of the other party, the undersigned might assent, and rely on the approbation and ratification of their Government. They would also, for the purpose of securing the duration of peace, and to prevent collisions which might interrupt it, propose a stipulation which should preclude the subjects or citizens of each nation, respectively, from trading with the Indians residing within the territory of the other. But to surrender both the rights of sovereignty and of soil, over nearly one-third of the territorial dominions of the United States, to a number of Indians† not, probably, exceeding 20,000, the undersigned are so far from being instructed or authorised, that they assure the British Com-

* This corresponds with the article ultimately proposed on the 8th October, by the British Plenipotentiaries. Why did they not accept it in August?

† In order to form some idea of the exact nature of this branch of the question, the following abstract exhibits the number of warriors belonging to each tribe, of these "independent nations," and the value of goods (*subsides*) paid to them, under the treaty of Greenville, by the United States of America.

	Number of warriors.			Annual Subsidy in goods.
Wyandots	-	500	-	£ 250
Delawares	-	400	-	250
Shawanoese	-	300	-	250
Ottawas	-	400	-	250
Chippawas	-	800	-	not known.
Putawatimies	-	500	-	250
Miamis	-	300	-	250
Eel River	-	not known	-	125
Kickapoos	-	300	-	125

The Pian, Kashaws, Kaskaskeas, are tribes intimately connected with the Kickapoos, and will, probably, have followed their example, in concluding peace with the United States of America.

that any arrangement for that purpose would be instantaneously rejected by their government.

Not only has this extraordinary demand been made a *sine qua non*, to be admitted *without discussion*, and as a PRELIMINARY basis, but it is accompanied by others equally inadmissible, which the British Plenipotentiaries state to be so connected with it, that they may reasonably influence the decision of the undersigned upon it, yet leaving them uninformed how far these other demands may also be insisted on, as indispensable conditions of a peace. As little are the undersigned instructed or authorized, to accede to the propositions of the British Government, in relation to the military occupation of the Western Lakes. If they have found the proposed interference of Great Britain in the concerns of Indians residing WITHIN the United States, utterly incompatible with any established maxim of public law, they are no less at a loss to discover, by what rule of perfect reciprocity, the United States can be required to renounce their equal right of maintaining a naval force upon those Lakes, and of fortifying their own shores, while Great Britain reserves exclusively the corresponding rights to herself.

That, in point of military preparation, Great Britain, in her possessions in North America, has ever been in a condition to be termed, with propriety, the weaker power in comparison with the United States, the undersigned believe to be incorrect, in point of fact. In regard to the fortification of the shores, and to the forces actually kept on foot upon those frontiers, they believe the superiority to have always been on the part of Great Britain. If, the proposal to dismantle the forts upon her shores, strike for ever the military flag upon her Lakes, and lay her whole frontier defenceless, in the presence of her armed and fortified neighbour, had proceeded, not from Great Britain to the United States, but from the United States to Great Britain, the undersigned may safely appeal to the bosoms of his Britannic Majesty's Plenipotentiaries, for the feelings with which, not only in regard to the interests, but the HONOUR of their nation, THEY would have received such a proposal. What would Great Britain herself say, if, in relation to another frontier, where she has the acknowledged superiority of strength, it were proposed, that she should be reduced to a condition even of equality with the United States?

The undersigned further perceive, that under the alleged purpose of opening a direct communication between two of the British provinces in America, the British Government require a cession of territory, forming a part of one of the States of the American Union; and that they propose, for the purpose specifically alleged, to draw the boundary-line westward, *not* from the Lake of the Woods, as it now is, but from Lake Superior. It must be perfectly immaterial to the United States, whether the object of the British Government, in demanding the dismemberment of the United States, is to acquire territory, as such, or for purposes less liable, in the eyes of the world, to be ascribed to the desire of

aggrandizement. Whatever the motive may be, and with whatever consistency views of conquest may be disclaimed, while demanding for herself, or for the Indians, a CESSION OF TERRITORY MORE EXTENSIVE than the WHOLE ISLAND OF GREAT BRITAIN, the duty marked out for the undersigned is the same. They have no authority to cede any part of the territory of the United States; and to no stipulation to that effect, will they subscribe.

The conditions proposed by Great Britain, have no relation to the subsisting differences between the two countries; they are inconsistent with acknowledged principles of public law: they are founded* neither on reciprocity, nor on any of the usual bases of negotiation, neither on that of the *uti possidetis*, or of *status ante bellum*; they would inflict the most vital injury on the United States, by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their northern and western frontier equally exposed to British invasion, and to Indian aggression; they are, above all, DISHONOURABLE to the United States, in demanding from them to abandon territory and a portion of their citizens, to admit a foreign interference in their domestic concerns, and to cease to exercise their natural rights on their own shores, and in their own waters. A treaty concluded on such terms would be but an armistice. It cannot be supposed, that America would long submit to conditions so injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favourable opportunity, recur to arms for the recovery of her territory, of her rights, of her honour. Instead of settling existing differences, such a peace would only create new causes of war, sow the seeds of a permanent hatred, and lay the foundation of hostilities, for an indefinite period.

Essentially pacific, from her political institutions, from the habits of her citizens, from her physical situation, America reluctantly engaged in the war. She wishes for peace; but she wishes for it upon those terms of reciprocity, honourable to both countries, which can alone render it permanent. The causes of war between the United States and Great Britain, having disappeared by the maritime pacification of Europe, the Government of the United States does not desire to continue it, in defence of abstract principles, which have, for the present, ceased to have any practical effect.

The undersigned have been accordingly instructed to agree to its termination, both parties restoring whatever territory they may have taken, and both reserving all their rights, in relation to their respective seamen. To make the peace between the two nations solid and PERMANENT, the undersigned were ALSO instructed and have

* This general *objection* to the demands of the British Ministers, is afterwards most *ingeniously*, and with *great wit*, brought forward by them in their note of the 21st October 1814, as a *basis*, on which the American Plenipotentiaries cannot, of *course*, object to treat!! It is difficult which most to admire, the *simplicity*, or the *stupidity* of persons, who could imagine, that **THEY!!!** could deceive the Americans, by *diplomatic skill* such as this.

been prepared to enter into the amicable discussion of all those points, on which differences or uncertainty had existed, and which might hereafter tend in any degree whatever, to interrupt the harmony of the two countries, without, however, making the conclusion of the peace at all depend upon a successful result of the discussion.

It is, therefore, with deep regret, that the undersigned have seen, that OTHER views are entertained by the British Government, and that NEW and unexpected pretensions are raised, which, if persisted in, must oppose an insuperable obstacle to a pacification. It is not necessary to refer such demands to the American Government for its instruction; they will only be a fit subject of deliberation, when it becomes necessary to decide upon the expediency of an absolute surrender of national independence.

The undersigned request the British Plenipotentiaries to accept the assurance of their high consideration.

(Signed)

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
JONATHAN RUSSELL,
H. CLAY,
A. GALLATIN.

To the Plenipotentiaries of His Britannic Majesty, &c.

No. III.—*British Note.*

From the British to the American Ministers.

Ghent, September 4, 1814.

The undersigned have the honour to acknowledge the receipt of the Note of the American Plenipotentiaries, dated the 24th ultimo.

It is with unfeigned regret, that the undersigned observe, both in the tone and substance of the whole Note, so little proof of any disposition on the part of the Government of the United States to enter into an amicable discussion of the several points, submitted by the undersigned, in their former communication. The undersigned are perfectly aware, that in bringing forward those points for consideration, and stating with so much frankness, as they did, the views with which they were proposed, they departed from the usual course of negotiating, by disclosing all the objects of their Government, while those which the American Government had in view were withheld; but in so doing, they were principally actuated by a sincere desire of bringing the negotiation, as soon as possible, to a favourable termination, and in some measure by their willingness to comply with the wishes expressed by the American Plenipotentiaries themselves. It is perfectly true, that the war between his Majesty and the United States was declared by the latter power, upon the pretence of maritime rights alleged to be asserted by Great Britain, and disputed by the United States. If the war thus declared by the United States had been carried on by them for objects purely of a maritime nature, or if the attack which had been made on Canada had been for the purpose of diversion, or in the way of defence against the British forces in that quarter, any question as to the boundaries of Canada might have been considered as unnecessary;

but it is notorious to the whole world, that the conquest of Canada, and its permanent annexation to the United States, was the declared object of the American Government. If, in consequence of a different course of events on the continent of Europe, his Majesty's Government had been unable to reinforce the British armies in Canada, and the United States had obtained a decided superiority in that quarter, is there any person who doubts that they would have availed themselves of their situation to obtain on the side of Canada important cessions of territory, if not the entire abandonment of that country by Great Britain? Is the American Government to be allowed to pursue, so far as its means will enable it, a system of acquisition and aggrandisement to the point of annexing entire provinces to their dominions; and is his Majesty to be precluded from availing himself of his means, so far as they will enable him, to retain those points which the valour of British arms may have placed in his power, because they happen to be situated within the territories allotted under former treaties to the Government of the United States? Such a principle of negotiation was never avowed at any period antecedent to that of the revolutionary government of France. If the policy of the United States had been essentially pacific, as the American Plenipotentiaries assert it ought to be, from their political institutions, from the habits of their citizens, and from their physical situation, it might not have been necessary to propose the precautionary* provisions now under discussion. That, of late years, at least, the American Government have been influenced by a very different policy, by a spirit of aggrandizement not necessary to their own security, but increasing with the extent of their empire, has been too clearly manifested by their progressive occupation of Indian territories—by the acquisition of Louisiana; by the more recent attempt to wrest by force of arms from a nation in amity, the two Floridas; and, lastly, by the avowed intention of permanently annexing the Canadas to the United States. If, then, the security of the British North American dominions requires any sacrifices on the part of the United States, they must be ascribed to the declared policy of that Government in making the war not one of self defence, nor for the redress of grievances, real or pretended, but a part of a system of conquest and aggrandizement. The British Government, in its present situation, is bound in duty to endeavour to secure its North American dominions against those attempts at conquest, which the American Government

* HAVE these precautionary measures BEEN established by the treaty of peace? Are the British Ministers *now* satisfied, "that the policy of the American Government is essentially pacific? Where are the proofs? Will Lord Liverpool *communicate* them to Parliament? Is *this* pacific policy to be found in the American Conscription Bill; in the new measures of finance recently adopted by Congress; in Mr. Secretary Monroe's celebrated letter on the necessity of having a standing army of *regular* troops; or in Mr. Secretary Jones's still more momentous remarks on the constitution of the American Navy?

have avowed to be a principle of their policy, and which, as such, WILL UNDOUBTEDLY BE RENEWED,* whenever any succeeding war between the two countries shall afford a prospect of renewing them with success. The British Plenipotentiaries proposed, that the military possession of the Lakes, from Lake Ontario to Lake Superior, should be secured to Great Britain, because the command of those Lakes would afford to the American Government the means of commencing a war in the heart of Canada; and because the command of them, on the part of Great Britain, has been shewn by experience to be attended with no insecurity to the United States. When the relative strength of the two Powers in North America is considered, it should be recollected that the British dominions in that quarter do not contain a population of 500,000 persons; whereas the territory of the United States contains a population of more than seven millions; that the naval resources of the United States are *at hand* for attack, and that the naval resources of Great Britain are on the other side of the Atlantic.

The military possession of those Lakes is not, therefore, necessary for the protection of the United States. The proposal for allowing the territories on the southern banks of the Lakes above-mentioned to remain in the possession of the government of the United States, provided no fortifications should be erected on the shores, and no armament permitted on the waters, has been made, for the purpose of manifesting, that security, and not acquisition of territory is the object of the British Government, and that they have no desire to throw obstacles in the way of any commerce, which the people of the United States may be desirous of carrying on, upon the Lakes in time of peace. The undersigned, with the anxious wish to rectify all misunderstanding, have thus more fully explained the grounds upon which they brought forward the propositions contained in their former note respecting the boundaries of the British dominions in North America. They do not wish to insist upon them beyond what the circumstances may fairly require. They are ready, amicably to discuss the details of them with a view to the adoption of any modifications, which the American Plenipotentiaries, or their Government may have to suggest, if they are not incompatible with the object itself. With respect to the boundary of the district of Maine, and that of the North Western frontier of the United States, the undersigned were not prepared to anticipate the objections contained in the note of the American Plenipotentiaries,—‘they were instructed to treat for the revision of their boundary line,’ with the statement which they have subsequently made, that they had no authority to cede any part, however insignificant, of the territories, of the United States, although the proposal left it open to them to demand an equivalent for such cession, either in frontier or otherwise.

* Has the treaty of peace secured the British dominions in North America “against those attempts at conquest, which WILL be undoubtedly RENEWED by the American Government?” If it has not, is the treaty either SECURE OR HONOURABLE?

The American Plenipotentiaries must be aware, that the boundary of the district of Maine has never been correctly ascertained; that the one asserted at present by the American Government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British Plenipotentiaries who concluded the treaty of 1783, and that the greater part of the territory in question is actually unoccupied. The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question.

As the necessity for fixing some boundary for the north western frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a session of territory, unless the United States are prepared to assert, that there is no limit to their territories in that direction; and that, availing themselves of the geographical error upon which that part of the treaty of 1783 was founded, they will acknowledge no boundary whatever. Then unquestionably any proposition to fix one, be it what it may, must be considered as demanding a large cession of territory from the United States. Is the American Government prepared to assert such an unlimited right, so contrary to the evident intention of the treaty itself? Or, is his Majesty's Government to understand, that the American Plenipotentiaries are willing to acknowledge the boundary from the Lake of the Woods to the Mississippi (the arrangement proposed by a convention in 1803, but not ratified) as that by which their Government is ready to abide?

The British Plenipotentiaries are instructed to accept favourably such a proposition, or to discuss any other line of boundary, which may be submitted for consideration. It is with equal astonishment the undersigned find, that the American Plenipotentiaries have not only declined signing any provisional article, by which the Indian nations who have taken part with Great Britain in the present contest may be included in the peace, AND may have a **BOUNDARY** assigned to them, but have also thought proper to express surprise at any proposition on the subject having been advanced.

The American Plenipotentiaries state, that their Government could not have expected such a discussion, and appear resolved at once to reject any proposition on this head; representing it as a demand, contrary to the acknowledged principles of public law, tantamount to a cession of one third of the territorial dominions of the United States, and required to be admitted without discussion.

The proposition which is thus represented, is, that the Indian nations which have been during the war in alliance with Great Britain should at its termination, be included in the pacification; AND, with a view to their permanent tranquillity and security, that the British Government is willing to take as a basis of an article on the subject of a **BOUNDARY** for those nations, the stipulations which the American Government contracted in 1795, subject, however, to modifications. After the declaration, publicly made to those Indian nations by the

Governor General of Canada, that Great Britain would not desert them, could the American Government really persuade itself, that no proposition relating to those nations would be advanced, and did Lord Castlereagh's note of the 4th of November 1813, imply so great a sacrifice of honour, or exclude from discussion every subject, excepting what immediately related to the maritime questions referred to in it? When the undersigned assured the American Plenipotentiaries of the anxious wish of the British Government, that the negotiation might terminate in a peace honourable to both Parties, it could not have been imagined, that the American Plenipotentiaries would thence conclude, that his Majesty's Government was prepared to *abandon* the Indian nations to *their fate*; nor could it have been foreseen, that the American Government would have considered it as derogatory to its honour to admit a proposition, by which the tranquillity of those nations might be secured. The British Plenipotentiaries have yet to learn, that it is contrary to the acknowledged principles of public law to include allies in a negotiation for peace, or that it is contrary to the practice of all civilized nations to propose, that a provision should be made for their future security. The treaty of Greenville established the boundaries between the United States and the Indian nations. The American Plenipotentiaries must be aware, that the war, which has since broken out, has abrogated that treaty. Is it contrary to the established principles of public law for the British Government to propose, on behalf of its allies, that this treaty shall, on the pacification, be considered subject to such modifications, as the case may render necessary? Or is it unreasonable to propose, that this stipulation should be amended, and that on that foundation some arrangement should be made, which would provide for the existence of a NEUTRAL power BETWEEN Great Britain and the United States, calculated to secure to both a longer continuance of the blessings of peace?

So far was that specific proposition respecting the Indian boundaries from being insisted upon in the note, or in the conference which preceded it, as one to be admitted without discussion, that it would have been difficult to use terms of greater latitude, or which appeared more, not only not to preclude, but to invite discussion. If the basis proposed could convey away one-third of the territory of the United States, the American Government itself must have conveyed it away by the Greenville treaty of 1795. It is impossible to read that treaty without remarking, how inconsistent the present pretensions of the American Government are, with its preamble and provisions. The boundary line between the lands of the United States and those of the Indian nations is therein expressly defined. The general character of the treaty, is that of a treaty with independent* nations; and the very stipulation which the Ame-

* Can those nations be considered as "*independent*" which allow the Americans to hold "sixteen tracts of land of six and twelve miles square" within their lands; and which acknowledge themselves to be under the "protection of the United States, and of *no other power whatever*?"

rican Plenipotentiaries refer to, that the Indian nations should sell their lands only to the United States, tends to prove, that but for that stipulation, the Indians had a general right to dispose of them. The American Government has now for the first time, in effect, declared, that all Indian nations within its line of demarcation are its subjects, living there upon sufferance, on lands which it also claims the exclusive right of acquiring, thereby menacing the final extinction of those nations. Against such a system, the undersigned must formally protest. The undersigned repeat, that the terms on which the proposition has been made for assigning to the Indian nations some boundary, manifest no unwillingness to discuss any other proposition directed to the same object, or even a modification of that which is offered. Great Britain is ready to enter into the same engagements with respect to the Indians living within her line of demarcation, as that which is proposed to the United States. It can, therefore, only be from a complete misapprehension of the proposition, that it can be represented as being not reciprocal. Neither can it, with any truth, be represented as contrary to the acknowledged principles of public law, as derogatory to the honour, or inconsistent with the rights of the American Government, nor as a demand required to be admitted without discussion. After this full exposition of the sentiments of his Majesty's government on the points above stated, it will be for the American Plenipotentiaries to determine, whether they are ready now to continue the negotiation; whether they are disposed to refer to their government for further instructions; or lastly, whether they will take upon themselves the responsibility of breaking off the negotiation altogether. The undersigned request the American Plenipotentiaries to accept the assurances of their high consideration.

(Signed)

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

No. IV.

The American to the British Commissioners.

Gent, September 9, 1814.

The undersigned have had the honour to receive the note of his Britannic Majesty's Plenipotentiaries, dated the 4th instant. If, in the tone or substance of the former note of the undersigned, the British Commissioners have perceived little proof of any disposition on the part of the American Government, for a discussion of some of the propositions advanced in the first note, which the undersigned had the honour of receiving from them, they will ascribe it to the nature of the propositions themselves; to their apparent incompatibility with the assurances in Lord Castlereagh's letter to the American Secretary of State proposing this negotiation; and with the solemn assurances of the British Plenipotentiaries themselves to the undersigned, at their first conferences with them. The under-

signed, in reference to an observation of the British Plenipotentiaries, must be allowed to say, that the objects which the government of the United States had in view, have not been withheld.

The subjects considered as suitable for discussion, were fairly brought forward in the conferences of the 9th ult. and the terms on which the United States were willing to conclude peace, were frankly and expressly declared in the note of the undersigned, dated the 24th ultimo. It had been confidently hoped, that the nature of those terms, so evidently framed in a sincere spirit of conciliation, would have induced Great Britain to adopt them as the basis of a treaty: and it is, with deep regret, that the undersigned, if they have rightly understood the meaning of the last note of the British Plenipotentiaries, perceive, that they *STILL* insist on the exclusive military possession of the Lakes, and on a *PERMANENT BOUNDARY* and *INDEPENDENT* territory for the Indians residing *WITHIN* the dominions of the United States.

The first demand is grounded on the supposition, that the American Government has manifested, by its proceedings towards Spain, by the acquisition of Louisiana, by purchases of Indian lands, and by an avowed intention of permanently annexing the Canadas to the United States, a spirit of aggrandisement and conquest, which justifies the demand of extraordinary sacrifices from them, to provide for the security of the British possessions in America. In the observations which the undersigned felt it their duty to make on the new demands of the British Government, they confined their animadversions to the nature of the demands themselves; they did not seek for illustrations of the policy of Great Britain in her conduct in various quarters of the globe towards other nations, for she was not accountable to the United States. Yet the undersigned will say, that their government has ever been ready to arrange, in the most amicable manner, with Spain, the questions respecting the boundaries of Louisiana and the Floridas, and that of indemnities acknowledged by Spain to be due to American citizens. How the *peaceable* acquisition of Louisiana, or the purchase of lands, within the *acknowledged* territory of the United States, both made by fair and voluntary treaties for satisfactory equivalents, can be ascribed to a spirit of conquest dangerous to their neighbours, the undersigned are altogether at a loss to understand. Nor has the conquest of Canada, and its permanent annexation to the United States, been the declared object of their government. From the commencement of the war, to the present time, the American Government has been always willing to make peace, without obtaining any cession of territory, and on the sole condition, that the maritime questions might be satisfactorily arranged. Such was their disposition in the month of July, 1812, when they instructed Mr. Russel to make the proposal of an armistice; in the month of October of the same year, when Mr. Monroe answered Admiral Warren's proposals to the same effect; in April, 1813, when instructions were given to three of the undersigned, then appointed to

treat of peace, under the mediation of Russia; and in January, 1814, when the instructions, under which the undersigned are now acting, were prepared.

The proposition of the British Plenipotentiaries is, that in order to secure the frontiers of Canada against attack, the United States should leave their own without defence; and it seems to be forgotten, that if their superior population, and the proximity of their resources, give them any advantage in that quarter, it is balanced by the great difference between the military establishments of the two nations. No sudden invasion of Canada by the United States could be made, without leaving on their Atlantic shores, and on the ocean exposed to the great superiority of the British force, a mass of American property far more valuable than Canada. In her relative superior force to that of the United States in every other quarter, Great Britain may find a pledge much more efficacious for the safety of a single vulnerable point, than in stipulations ruinous to the interests, and degrading to the honour of America. The best security for the possessions of both countries will, however, be found in an equal and solid peace, in a mutual respect for the rights of each other, and in the cultivation of a friendly understanding between them. If there be any source of jealousy in relation to Canada itself, it will be found to exist solely in the undue interference of traders and agents, which may be easily removed by proper restraints.

The only American forts on the Lakes known to have been at the commencement of the negotiation held by British force, are Michillimackinac and Niagara. As the United States were, at the same time, in possession of Amherstberg and the adjacent country, it is not perceived, that the mere occupation of those two forts could give any claim to His Britannic Majesty to large cessions of territory, founded upon the right of conquest; and the undersigned may be permitted to add, that even if the chances of war should yield to the British arms a momentary possession of other parts of the territories of the United States, such events would not alter their views with regard to the terms of peace, to which they could give their consent. Without recurring to examples drawn from the revolutionary Governments of France, or to a more recent and illustrious triumph of fortitude in adversity, they have been taught by their own history, that the occupation of their principal cities would produce no despondency, nor induce their submission to the dismemberment of their empire, or to the abandonment of any one of the rights which constitute a part of their national independence. The general position, that it was consistent with the principles of public law, and with the practice of civilized nations, to include allies in a treaty of peace, and to provide for their security, never was called in question by the undersigned; but they have denied the right of Great Britain, according to those principles and HER OWN PRACTICE, to interfere in any manner with Indian tribes residing WITHIN the territories of the United States, as acknowledged by herself, to consider such tribes as her allies, or to treat for them

with the United States. They will not repeat the facts and arguments already brought forward by them in support of this position, and which remain unanswered. The observations made by the British Plenipotentiaries upon the treaty of Greenville, and their assertion, that the United States now, for the first time, deny the absolute independence of the Indian tribes, and claim the exclusive right of purchasing their lands, require, however, some notice. If the United States had now asserted, that the Indians within their boundaries, who have acknowledged the United States as their only protectors, were their subjects, living only at sufferance on their lands, far from being the first in making that assertion, they would only have followed the example of the principles uniformly and invariably asserted in substance, and frequently avowed in express terms, by the British Government itself. What was the meaning of all the colonial charters, granted by the British monarchy, from that of Virginia, by Elizabeth, to that of Georgia, by the immediate predecessor of the present king, if the Indians were the sovereigns and proprietors of the lands bestowed by those charters? What was the meaning of that article in the treaty of Utrecht, by which the Five Nations were described in terms as subject to the dominion of Great Britain; or that of the treaty with the Cherokees,* by which it was declared, that the King of Great Britain granted them the privilege to live where they pleased, if those subjects were independent sovereigns, and if these tenants, at the license of the British King, were the rightful lords of the lands, where he granted them permission to live? What was the meaning of that proclamation of his present Britannic Majesty, issued in 1763, declaring all purchases of lands from the Indians null and void, unless made by treaties held under the sanction of his Majesty's Government, if the Indians had the right to sell their lands to whom they pleased?† What was the meaning of boundary-

* A. D. 1730. " Upon which, the Cherokee Chiefs, falling on their knees, (before Sir Alexander Cuming, His Majesty's Commissioner) solemnly promised *fidelity* and *obedience*, calling upon all that was terrible to fall upon them, if they violated their promise."

The Treaty with the Cherokee Chiefs, was drawn up and signed at London, by Alured Popple, Secretary to the Lords of Trade and Plantations, on one side, and by the marks of the six Chiefs, on the other. The preamble states, " that they laid the *crown* of their nation, with the scalps of their enemies, at *His Majesty's feet*, as a pledge of their *loyalty*, &c."

Among the articles of the Treaty, the following do not much resemble the stipulations of a Treaty between INDEPENDENT States :

" The Cherokees shall not suffer their people to *trade* with white men of *any other* nation but the English; nor permit whiet men of any other nation, to build any forts or cabins, or plant any corn among them, upon lands belonging to the Great King (George II.)." Vide History of the Carolinias, page 7, vol. 1.

" By this proclamation, all private subjects were *prohibited* from purchasing lands from the Indians; but, if the latter should, at any time,

lines of American territories, in all the treaties of Great Britain with other European powers having American possessions, particularly in the treaty of 1763, by which she acquired from France the sovereignty and possession of the Canadas—in her treaty of peace with the United States in 1783?—nay, what is the meaning of the north-western boundary-line now proposed by the British Commissioners themselves, if it is the rightful possession and sovereignty of independent Indians, of which those boundaries dispose? Is it, indeed, necessary to ask, whether Great Britain ever has permitted, or would permit, any foreign nation, or without her consent, any of her subjects, to acquire lands from the Indians, in the territories of the Hudson's Bay Company, or in Canada? In formally protesting against this system, it is not against a novel pretension of the American Government—it is against the most solemn acts of *THEIR OWN SOVEREIGNS*, against the royal proclamations, charters, and treaties of Great Britain, for more than two centuries, from the first settlement of North America, to the present day, that the British Plenipotentiaries protest. From the rigour of this system, however, as practised by Great Britain, and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the law of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and the founder of Pennsylvania, in having purchased of the Indians, the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example which the United States, since

“ be inclined to dispose of their property, it must, for the future, be done to the King, by the general consent of their nation.”

Vide also Mr. Stuart's (Superintendent of Indians) Speech to the Indians, at Mobile, in 1763; in which he tells them, “ that while they continue *dutiful and obedient*, the eye of their father (the King of England) will be upon them, his hand will be open to relieve their wants.” Again—“ The Great King (of England) has a *right* to expect your gratitude and *obedience*; for all he requires is, with a view to your own tranquillity and happiness.” Again—“ The King of Great Britain loves peace and justice, but will punish all murders and *rebellion*!” “ All individuals are prohibited from purchasing any of your lands; but, as you know, that your white brethren *cannot feed you*, when you visit them, unless you give them grounds to plant, it is *expected*, that you will *cede* lands to the King for that purpose.” Is this proper language to be employed towards ‘*independent states*,’ ‘like the Princes of Germany?’ Or were the British Ministers ignorant of these facts, when they compared the SAVAGES to the LANDGRAVES, MARGRAVES, and ELECTORS of Europe?

The situation of the Indians, as described by Mr. Stuart in 1763, is precisely that, which the Plenipotentiaries of the United States of America describe, as the actual condition of those savages.

they became, by their independence the sovereigns of the territory, have adopted and organized into a political system. Under that system, the Indians, residing within the United States, are so far independent, that they live under their own customs, and not under the laws of the United States ; that their rights upon the lands where they inhabit or hunt are secured to them by boundaries defined in amicable treaties between the United States and themselves ; and that, whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them. They are *so far* dependent, as not to have the right to dispose of their lands to any private persons, nor to any power other than the United States, and to be under their protection alone, and not under that of any other power. Whether called subjects, or by whatever name designated, such is the relation between them and the United States. That relation is neither asserted now, for the first time, nor did it originate with the treaty of Greenville. These principles have been **UNIFORMLY RECOGNIZED** by the Indians themselves, not only by that treaty, but in all the other previous, as well as subsequent, treaties, between them and the United States.

The treaty of Greenville neither took from the Indians the right, which they had not, of selling lands within the jurisdiction of the United States to foreign governments or subjects, nor ceded to them the right of exercising exclusive jurisdiction within the boundary-line assigned. It was merely declaratory of the public law, in relation to the parties, founded on principles previously and universally recognized. It left to the United States the rights of exercising sovereignty and of acquiring soil, and bears no analogy to the proposition of Great Britain, which requires the abandonment of both. The British Plenipotentiaries state in their last note, that Great Britain is ready to enter into the same engagement with respect to the Indians living within their line of demarcation, as that which is proposed to the United States.

The undersigned will not dwell on the immense inequality of value between the two territories, which, under such an arrangement, would be assigned by each nation, respectively to the Indians, and which alone would make the reciprocity merely nominal. The condition which would be thus imposed on Great Britain not to acquire lands in Canada from the Indians, would be productive of no advantage to the United States, and is, therefore, no equivalent for the sacrifice required of them. They do not consider that it belongs to the United States, in any respect to interfere with the concerns of Great Britain in her American possessions, or with her policy towards the Indians residing there ; and they cannot consent to any interference, on the part of Great Britain, with their own concerns, and particularly with the Indians living **WITHIN** their territories.

It **MAY** be the interest of Great Britain to limit her settlements

in Canada to their present extent, and to leave the country to the west a perfect wilderness, to be for ever inhabited by scattered tribes of hunters ; but it would inflict a vital injury on the United States to have a line run through their territory, beyond which their settlements should for ever be precluded from extending, thereby arresting the natural growth of their population and strength : placing the Indians substantially, by virtue of the proposed guarantee, under the protection of Great Britain, dooming them to perpetual barbarism, and leaving an extensive frontier for ever exposed to their savage incursions.

With respect to the MERE QUESTION of PEACE with the Indians, the undersigned have already explicitly assured the British Plenipotentiaries, that so far as it depended on the United States, it would immediately and necessarily follow a peace with Great Britain. If this be her sole object, no provision in the treaty to that effect is necessary. Provided the Indians will now consent to it, peace will be immediately made with them, and they will be REINSTATED in the same situation, in which they stood, BEFORE the commencement of hostilities. Should a continuance of the war compel the United States to alter their policy towards the Indians, who may still take the part of Great Britain, they alone must be responsible for the consequences of her own act in having induced them to withdraw themselves from the protection of the United States. The employment of savages, whose known rule of warfare is the indiscriminate torture and butchery of women, children, and prisoners, is itself a departure from the principles of humanity observed between all civilized and Christian Nations, even in war. The United States have constantly protested, and still protest against it, as an unjustifiable aggravation of the calamities and horrors of war. Of the peculiar atrocities of Indian warfare, the Allies of Great Britain, in whose behalf she now demands sacrifices of the United States, have, during the present war, shewn many deplorable examples. Among them, the massacre, in cold blood, of wounded prisoners, and the refusal of the rights of burial of the dead, under the eyes of British Officers, who could only plead their inability to controul these savage auxiliaries, have been repeated and are notorious to the world.

The United States might, at all times, have employed the same kind of force against Great Britain, to a greater extent than it was in her power to employ it against them ; but from their reluctance to resort to means so abhorrent to the natural feelings of humanity, they abstained from the use of them until compelled to the alternative of employing themselves Indians, who would otherwise have been drawn into the ranks of their enemies.

The undersigned, suggesting to the British Plenipotentiaries the propriety of an article by which Great Britain and the United States should reciprocally stipulate never hereafter, if they should again be at war, to employ savages in it, believe that it would be infinitely more honourable to the Christian temper of both parties, more advantageous to the Indians themselves, and better adapted to

secure their permanent peace, tranquility, and progressive civilization, than the boundary proposed by the British Plenipotentiaries.

With regard to the cession of a part of the district of Maine, as to which, the British Plenipotentiaries are unable to reconcile the objections made by the undersigned with their previous declaration, they have the honour to observe, that at the conference of the 9th ultimo, the British Plenipotentiaries stated, as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute; and that it was on the point *thus* stated, that the undersigned declared, that they were provided with instructions from their Government: a declaration which did not imply that they were instructed to make any cession of territory in any quarter, or to agree to a revision of the line, or to any exchange of territory, where no uncertainty or dispute existed.

The undersigned perceive no uncertainty or matter of doubt in the Treaty of 1783, with respect to that part of the boundary of the District of Maine, which would be affected by the proposal of Great Britain on that subject. They never have understood, that the British Plenipotentiaries who signed that treaty, had contemplated a boundary different from that fixed by the Treaty, and which requires nothing more, in order to be definitively ascertained, than to be surveyed in conformity with its provisions.—This subject not having been a matter of uncertainty in dispute, the undersigned are not instructed upon it; and they can have no authority to cede any part of the State of Massachusetts, even for what the British Government might consider a fair equivalent.

In regard to the boundary of the North-western Frontier, as soon as the proposition of Indian boundary is disposed of, the undersigned have no objection, with the explanation given by the British Plenipotentiaries, in their last note, to discuss the subject.

The undersigned, in their former note, stated with frankness, and will now repeat, that the two propositions—1st, of assigning in the proposed treaty of peace a DEFINITE BOUNDARY to the Indians living within the limits of the United States, beyond which boundary they should stipulate not to acquire, by purchase or otherwise, any territory: 2dly, of securing the EXCLUSIVE MILITARY POSSESSION of the Lakes to Great Britain, are BOTH inadmissible; and that they cannot subscribe to, and would deem it useless to refer to their Government any arrangement, even provisional, containing EITHER of those propositions. With this understanding, the undersigned are now ready to continue the negotiation; and, as they have already expressed, to discuss the points of difference, or which might hereafter tend in any degree to interrupt the harmony of the two countries.

The undersigned request the British Plenipotentiaries to accept the assurance of their high consideration.

(Signed) JOHN QUINCEY ADAMS, H. CLAY,
JAMES A. BAYARD, A. GALLATIN.
JONATHAN RUSSELL,

To the Plenipotentiaries of his Britannic Majesty, &c.

Ghent, Sept. 19, 1814.

The undersigned have the honour to acknowledge the receipt of the note addressed to them by the American Plenipotentiaries on the 9th inst.

On the greater part of that note, the undersigned have no intention to make comments, having proposed to themselves throughout the negotiation to avoid all UNNECESSARY* discussions, more especially when tending to create irritation. On the question of the north western frontier, they are happy to find that no material difficulty is likely to arise. With respect to the boundary of the district of Maine the undersigned observe with regret, that although the American Plenipotentiaries have acknowledged themselves to be instructed to discuss a revision of the boundary line, with a view to prevent uncertainty and dispute, yet, by assuming an exclusive right at once to decide, what is, or is not a subject of uncertainty and dispute, they have rendered their powers nugatory or inadmissibly partial in their operation.

After the declaration made by the American Plenipotentiaries, that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the natural growth and population of the United States would be thereby arrested, it becomes unnecessary further to insist on the proof of a spirit of aggrandizement afforded by the purchase of Louisiana from France, against the known conditions on which it had been ceded by Spain to that country, or the hostile seizure of a great part of the Floridas, under pretence of a dispute respecting the boundary.

The reason given by the American Plenipotentiaries for this declaration equally applies to the assignment of a boundary to the United States on any side, with whatever views proposed; and the unlimited nature of these pretensions would alone have justified Great Britain in seeking more effectual securities against its application to Canada, than any which the undersigned have had the honour to propose. Had the American Plenipotentiaries been instructed on the subject of Canada, they would not have asserted that its permanent annexation had not been the object of their Government. It has been distinctly avowed to be such at different times, particularly by two American Generals, on their respective invasions of Canada. If the declaration first made had been disapproved, it would not have been repeated. The declarations here referred to are to be found in the proclamation of General Hull, in July 1812, and of General Smyth in November 1812, copies of which are hereunto annexed.

It must be also from the want of instructions, that the American Plenipotentiaries have been led to assert, that Great Britain has induced the Indians to withdraw from the protection of the United States. The Government of the United States cannot have forgotten, that

* Was it with *this* view, that the British Ministers introduced the questions of Louisiana and the Floridas? What have *these* points to do with the peace?

Great Britain, so far from inducing the Indians to withdraw themselves from the protection of the United States, gave the earliest information of the intention of those nations to invade the United States, and exerted herself, though without success, to prevent and appease their hostility. The Indian nations, however, having experienced, as they thought, oppression instead of protection from the United States, declared war against them previously to the declaration of war by that country against Great Britain. The treaty by which the Indians placed themselves under the protection of the United States is now abrogated, and the American government cannot be entitled to claim, as a right, the renewal of an article in a treaty which has no longer any existence. The Indian nations are therefore no longer to be considered as under the protection of the United States (whatever may be the import of that term) and it can only be on the ground that they are regarded as subjects, that the American Plenipotentiaries can be authorised to deny the right of Great Britain to interfere on their behalf in the negotiation for peace. To any such claim, it is repeated, that the treaties concluded with them, particularly that of Greenville, are in opposition. It is not necessary to recur to the manner in which the territory of the United States was at first settled, in order to decide whether the Indian nations, the original inhabitants of America, shall have some spot assigned to them where they may be permitted to live in tranquility; nor whether their tranquility can be secured without preventing an uninterrupted system of encroachment upon them, under the pretence of purchases. If the American Plenipotentiaries are authorised peremptorily to deny the right of the British Government to interfere with the pacification of the Indian nations, and for that reason refuse all negotiation on the subject, the undersigned are at a loss to understand upon what principle it was, that at the conference of the 9th ult. the American Plenipotentiaries invited discussion on the subject, and added, that it was not possible for them to decide without discussion, whether an article could be framed which should be mutually satisfactory, and to which they should think themselves, under their discretionary powers, warranted in acceding. The undersigned must further observe, that if the American Government has not furnished their Plenipotentiaries with any instructions since January last, when the general pacification of Europe could not have been immediately in contemplation, their subsequent silence, after an event so calculated (even in the view which the American Plenipotentiaries have taken of it in their Note of the 24th ult.) to influence the negotiation, is, to say the least, no proof of a sincere desire to bring it to a favourable conclusion. The British Government has entered into the negotiation with an anxious wish to effect an amicable arrangement. After convulsions unexampled in their nature, extent, and duration, the civilized world has need of repose. To obtain this in Europe, Great Britain has made considerable sacrifices. To complete the work of general pacification, it is her earnest wish to establish a peace with the United States, and in her endeavours to accomplish this object, to

manifest the same principles of moderation and forbearance ; but it is utterly inconsistent with her practice and her principles ever to abandon, in her negotiations for peace, those who have co-operated with her in war. The undersigned therefore repeat, that the British Government is willing to sign a treaty of peace with the United States on terms honourable to both parties. It has not offered any terms which the United States can justly represent as derogatory to their honour, nor can it be induced to accede to any which are injurious to its own. It is on this ground that the undersigned are authorised distinctly to declare, that they are instructed not to sign a treaty of peace with the Plenipotentiaries of the United States unless the Indian nations are included in it, and restored to all the rights, privileges, and territories which they enjoyed in the year 1811 previous to the commencement of the war, by virtue of the Treaty of Greenville, and the Treaties subsequently concluded between them and the United States. From this point the British Plenipotentiaries cannot depart.

They are further instructed to offer for *discussion*,* an article by which the contracting parties shall reciprocally bind themselves, according to boundaries to be agreed upon, not to purchase the lands occupied by the Indians within their respective lines of demarcation. By making this engagement, subject to revision at a given period, it is hoped that the objection to the establishment of a boundary, beyond which the settlements of the United States should be forever excluded, may be effectually obviated.

The undersigned have never stated that the exclusive military possession of the Lakes, however conducive, they are satisfied it would be to a good understanding between the two Countries, without endangering the security of the United States, was to be considered as a *sine qua non* in the negotiation.†—Whenever the question relative to the pacification of the Indian nations (which, subject to the explanations already given, is a *sine qua non*) shall be adjusted, the undersigned will be authorized to make a final proposition on the subject of Canadian boundaries, so entirely founded on principles of moderation and justice, that they feel confident it cannot be rejected. This proposition will be distinctly stated by the undersigned, upon receiving an assurance from the American Plenipotentiaries, that they consider themselves authorized to conclude a provisional article on the subject, and upon their previously consenting to include the Indian nations in the Treaty, in the manner ABOVE described.

The undersigned avail themselves of this opportunity of re-

* This is the *first* time that the British Ministers modify their "*sine qua non*." It is important to remark this fact.

† Vide Conference of the 19th August. "We," (say the American Plenipotentiaries) "were induced to enquire whether the question of the Lakes was a *sine qua non*? To this the British Commissioners declined giving a positive answer; they said they had been sufficiently explicit; that they had given us one *sine qua non*, and when we had disposed of that, it would be time enough to give us an answer as to another."

newing to the American Plenipotentiaries the assurance of their high consideration.

(Signed)

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

The Ministers Plenipotentiary and Extraordinary of the United States, &c.

No. VI.

The American to the British Commissioners.

" Ghent, Sept. 26, 1814.

In replying to the note which the undersigned have had the honour of receiving from his Britannic Majesty's Plenipotentiaries, dated the 19th instant, they are happy to concur with them in the sentiment of avoiding unnecessary discussions, especially such as may have a tendency to create irritation. They had hoped that, in the same spirit, the British Plenipotentiaries would not have thought allusions *again* necessary to transactions *foreign* to this negotiation, relating to the United States, and other independent nations, and not suitable for discussion between the United States and Great Britain. The observation made with respect to Louisiana is the more extraordinary, as the cession of that province to the United States was, at that time, communicated to the British Government,*

* *Copy of a letter from LORD HAWKESBURY (now EARL of LIVERPOOL) to MR. RUFUS KING, dated May 19, 1803.*

Downing Street, May 19, 1803.

SIR,

Having laid before the King your letter of the 15th of this month, in which you inform me, that a treaty was signed at Paris on the 30th of last month, by the Plenipotentiaries of America and France, by which the complete Sovereignty of the town and territory of New Orleans, as well as of all Louisiana, has been acquired by the United States, I have received His Majesty's commands, to express to you the PLEASURE with which his Majesty has received this intelligence, and to add, that His Majesty regards the care which has been taken so to frame this treaty as not to infringe any right of Great Britain in the navigation of the Mississippi, as the most satisfactory evidence of a disposition on the part of the Government of the United States, correspondent to that which his Majesty entertains, to promote and improve that harmony and good understanding which so happily subsist between the two Countries, and which are so conducive to their mutual benefit. I have it also in command to assure you, Sir, that the sentiments which you have expressed in making this communication, are considered by his Majesty's government as an additional proof of that cordiality and confidence which you have uniformly manifested in the whole course of your public Mission, and which have so justly entitled you to the esteem and regard of his Majesty's government.

I desire you to accept the assurance of the distinguished consideration with which I have honour to be, &c.

(Signed)

HAWKESBURY.

*Rufus King, Esquire,
&c. &c. &c.*

who expressed their entire satisfaction with it, and has subsequently received the solemn Sanction of Spain herself. The undersigned will further say, that whenever the transactions of the United States in relation to the boundaries of Louisiana and Florida, shall be a proper subject of discussion, they will be found not only susceptible of complete justification, but will demonstrate the moderation and forbearance of the American Government, and their undeviating respect for the rights of their neighbours.

The undersigned are far from assuming the exclusive right to decide what is, or is not, a subject of uncertainty and dispute, with regard to the boundary of the district of Maine. But until the British Plenipotentiaries shall have shewn in what respect the part of that boundary which could be affected by their proposal, is such a subject, the undersigned may be permitted to assert that it is not.

The treaty of 1783 described the "boundary as a line to be drawn "along the middle of the river St. Croix, from its mouth in the "Bay of Fundy to its source, and from its source directly north to the "highlands which divide the rivers that fall into the Atlantic Ocean "from those which fall into the river St. Lawrence, and thence along "the said highlands to the northwesternmost head of Connecticut "river."

Doubts having arisen as to the St. Croix designated in the treaty of 1783, a provision was made by that of 1794 for ascertaining it; and it may be fairly inferred from the limitation of the article to that sole object, that even in the judgment of Great Britain, no other subject of controversy existed in relation to the extension of the boundary line from the source of that river. That river and its source having been accordingly ascertained, the undersigned are prepared to propose the appointment of Commissioners by the two Governments, to extend the line to the highlands, conformably to the Treaty of 1783. The proposal, however, of the British Plenipotentiaries was not to ascertain, but to VARY these lines in such a manner, as to secure a direct communication between Quebec and Halifax; an alteration, which could not be effected without a cession by the United States to Great Britain, of all that portion of the State of Massachusetts intervening between the province of New Brunswick and Quebec; although unquestionably included within the boun-

* The British Cabinet now attempt to assert, that they were not acquainted with the "*circumstances*" of this transaction, when Lord Liverpool signified to the government of the United States, His Britannic Majesty's satisfaction at the cession to America, of the Province of Louisiana! If this be true, Lord Liverpool, (Secretary of State for Foreign affairs) expressed a deliberate opinion on a great political arrangement, of the nature of which, he now admits, that he was ignorant!! This cannot be admitted as any justification of his conduct, but it sufficiently accounts for Mr. Pitt's recorded declaration in Parliament of Lord Liverpool's UNFITNESS for the office of Secretary of State for Foreign Affairs, and his SUBSEQUENT REMOVAL by Mr. Pitt from that important situation.

dary lines fixed by that treaty. Whether it was contemplated on the part of Great Britain to obtain the cession, with or without an equivalent in frontier or otherwise, the undersigned, in stating that they were not instructed or authorised to treat on the subject of cession, have not declined to discuss any matter of uncertainty or dispute, which the British Plenipotentiaries may point out to exist, respecting the boundaries in that or any other quarter; and are therefore, not liable to the imputation of having rendered their powers on the subject nugatory, or inadmissably partial in their operation.

The British Plenipotentiaries consider the undersigned as having declared—‘ That the United States will admit of no line of boundary between their territory and that of the Indian nations, because the natural growth and population of the United States would be thereby arrested.’—The undersigned, on the contrary, expressly stated in their last note.—‘ That the lands inhabited by the Indians were secured to them by boundaries, defined in amicable treaties between them and the United States :’ but they did refuse to assign, in a treaty of peace with Great Britain, a **DEFINITE** and **PERMANENT** boundary to the Indians living **WITHIN** the limits of the United States. On this subject, the undersigned have no hesitation in avowing, that the United States, while intending never to acquire lands from the Indians otherwise than peaceably, and with their free consent, are fully determined in that manner, progressively, and in proportion as their growing population may require, to reclaim from a state of nature, and to bring into cultivation, every portion of the territory contained **WITHIN** their **ACKNOWLEDGED** boundaries. In thus providing for the support of millions of civilized beings, they will not violate any dictate of justice or humanity ; for they will not only give to the few thousand savages, scattered over that territory, an ample equivalent for any right they may surrender, but will always leave them the possession of lands more than they can cultivate, and more than adequate to their subsistence, comfort, and enjoyment by cultivation.

If this be a spirit of aggrandizement, the undersigned are prepared to admit, in that sense, its existence ; but they must deny that it affords the slightest proof of an intention not to respect the boundaries between them and European nations, or of a desire to encroach upon the territories of Great Britain.

If, in the progress of their increasing population, the American people must grow in strength proportioned to their numbers, the undersigned will hope, that Great Britain, far from repining at the prospect, will contemplate it with satisfaction. They will not suppose, that that Government will avow, as the basis of their policy towards the United States, the system of arresting their natural growth **WITHIN** their **OWN** territories, for the sake of preserving a **PERPETUAL DESART** for savages.

If Great Britain has made sacrifices to give repose to the civilized world in Europe, no sacrifice is required from her by the United States to complete the work of general pacification.

THIS negotiation at least evinces, on their part, no disposition to claim any other right, than that of preserving their independence entire, and of governing THEIR OWN territories without foreign interference.

Of the two Proclamations, purported copies of which the British Plenipotentiaries have thought proper to inclose with their last note, the undersigned might content themselves with remarking, that neither of them is the act of the American Government. They are enabled, however, to add, with perfect confidence, that neither of them was authorized or approved by the Government.

The undersigned are not disposed to consider as the act of the British Government, the Proclamation of Admiral Cochrane,* herewith inclosed, EXCITING a portion of the population of the United States, under the promise of military employment, or of free settlement in the West Indies, to TREACHERY and REBELLION.

The undersigned very sincerely regret to be obliged to say, that an irresistible mass of evidence, consisting principally of the correspondence of British officers and agents, part only of which has already been published in America, establishes beyond all rational doubt, the fact, that a constant system of excitement to those hostilities was pursued by the British traders and agents, who had access to the Indians, not only without being discountenanced, but with frequent encouragement by the British authorities; and that

* It is to be hoped that, for the honour of the British Name, THIS PARTICULAR QUESTION will undergo a STRICT PARLIAMENTARY INVESTIGATION.

"The National Intelligencer," (the *official* paper of the American Government) contains the following account:—

"We learn that the enemy have descended the Rappahannock. An account from there states, that their descent up the river was marked by *plundering and burning* on both shores almost every thing within their reach. Their conduct at Rappahannock was scarcely exceeded at Hampton for its *brutality and wanton* destruction of property. They have laid in ashes the court-house, prison, collector's office, clerk's office, and a large warehouse, and scarcely a building escaped plunder or damage. It appears likewise, that the NEGROES who joined the enemy were armed by them, and turned into the town with LICENSE to commit ANY EXCESS; they broke into the family vault of Colonel Ritchie, and ransacked the ASHES OF THE DEAD." "FIVE COFFINS, (says a letter) were opened, their escutcheons torn off and cast away, and their mouldering contents MUTILATED and left exposed; the plea was the hope of plunder."

Ministers, however, will answer, that this is the accusation of an enemy. —Let us, then, hear what a *friend* says on the same subject.

"Let not the *English* Orators, (observes Mr. Randolph) declaim against the enormity of French principles, when England permits herself to arm and discipline our slaves, and to lead them into the field against their masters, in the hope of exciting, by their example, a general insurrection, and thus make Virginia, another St. Domingo. And does she talk of Jacobinism? What is this, but Jacobinism, and of the vilest stamp? Is THIS (England) the country that has abolished the Slave Trade?" &c. &c.

if they ever dissuaded the Indians from commencing hostilities, it was only by urging them, as in prudence, to suspend their attacks, until Great Britain could recognize them as her allies in the war.

When, in the conference of the 9th ultimo, the undersigned invited discussion upon the proposal of Indian pacification AND boundary, as well as upon all the subjects presented by the British Plenipotentiaries for discussion, they expressly stated their motives to be—1st. To ascertain, by discussion, whether an article on the subject could be formed to which they could subscribe, and which would be satisfactory to the British Plenipotentiaries; and, 2dly, That if no such article could be formed, the American government might be informed of the views of Great Britain upon that point, and the British government of the objections on the part of the United States, to any such arrangement. The undersigned HAVE, in fact, already proposed no less than THREE articles on the subject, ALL of which they view as better calculated to secure peace and tranquillity to the Indians, than any one of the proposals for that purpose made by the British Plenipotentiaries.

The undersigned had repeated their assurances to the British Plenipotentiaries, that peace, so far as it depended on the United States, would immediately follow a peace with Great Britain; and added, that the Indians would *thereby* be reinstated in the *same* situation, which they stood *before* the commencement of hostilities. The British Plenipotentiaries insist in their last note, “that the Indian nations shall be included in the treaty of peace between Great Britain and the United States, and be restored to all the rights, privileges, and territories, which they enjoyed in the year 1811, previous to the commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States.”

Setting aside the subject of BOUNDARY, which is presented as for *discussion* only, there is no *apparent difference* with respect to the object in view; “the pacification and tranquillity of the Indians, and placing them in the same situation in which they stood before the war,”---all which will be *equally* obtained in the manner proposed by the undersigned; the only point of real difference being this, that the British Plenipotentiaries insist, that it should be done by including the Indians as Allies of Great Britain, in the treaty of peace between her and the United States. The United States cannot consent, that Indians residing *within* their boundaries, as *acknowledged* by Great Britain, shall be included in the treaty of peace, in any manner, which will recognise them as *independent nations*, whom Great Britain, having obtained this recognition, would hereafter have the right to consider in every respect as such. Thus to recognise those Indians as independent and sovereign nations, would take from the United States, and transfer to those Indians, all the rights of *soil* and *sovereignty* over the territory which they inhabit; and this being accomplished through the agency of Great Britain, would place them effectually and exclusively under her protection,

instead of being, as heretofore, under that of the United States. It is not perceived, in what respect, such a provision would differ from an *absolute cession* by the United States of the extensive territory in question. The British Plenipotentiaries have repeated the assertion, that the treaty by which the Indians placed themselves under the protection of the United States, was abrogated by the war; and thence infer, that they are no longer to be considered as under the protection of the United States, whatever may be the import of the term; and that the right of Great Britain to interfere in their behalf in the negotiation of peace, can only be denied on the ground, that they are regarded as subjects. In point of fact, SEVERAL TRIBES, parties to the treaty of Greenville, HAVE CONSTANTLY BEEN, and STILL ARE, at PEACE with the United States. Whether that treaty be or be not abrogated, is a question not necessary to be now discussed. The right of the United States to the protection of the Indians *within* their boundaries, was not acquired by that treaty; it was a *necessary* consequence of the "SOVEREIGNTY and INDEPENDENCE of the United States." Previous to that time, the Indians living within the same territory, were under the protection of his Britannic Majesty, as its sovereign. The undersigned may refer the British Plenipotentiaries to all the acts of their own government, relative to the subject, as proof, that it has always considered this right of protection as one of the rights of sovereignty, which it needed no Indian treaty to confer, and which the abrogation of no Indian treaty could divest. They will particularly bring to their recollection, that when a similar proposition of considering Indian tribes as independent nations, to serve as a barrier between the French and English territories, was made by France to England, it was immediately rejected by a minister, to whom the British nation is accustomed to look back with veneration, and rejected on the express ground, that the KING would NOT RENOUNCE HIS RIGHT OF PROTECTION over the Indians WITHIN his dominions. But whatever the relations of the Indians to the United States may be, and whether under their protection or not, Great Britain, having by the treaty of 1783, recognised the "SOVEREIGNTY of the UNITED STATES," and agreed to certain limits as their boundaries, has no right to consider any persons or communities, whether Indians or others, residing *within* those boundaries, as nations independent of the United States. The United States claim, of right, with respect to all European nations, and particularly with respect to Great Britain, the entire sovereignty over the whole territory, and all the persons embraced *within* the boundaries of their dominions. Great Britain has no right to take cognizance of the relations subsisting between the several communities or persons living therein. They form as to her, only *parts* of the dominion of the United States; and it is altogether immaterial, whether, or how far, under their political institutions and policy, these communities or persons are independent states, allies, or subjects. With respect to her, and all other foreign nations, they are *parts* of a whole, of which the UNITED STATES are the SOLE and ABSOLUTE SOVEREIGNS. The allegation of the

British Plenipotentiaries, that it is inconsistent with the practice or principles of Great Britain to abandon, in her negotiation for peace, those who have co-operated with her in war, is not applicable to the Indians, but on the erroneous assumption of their independence, which, so far as she is concerned, has been fully disproved. And although no power from these tribes to the British government to treat in their behalf, would, for the same reason, be admitted by the undersigned, they may, nevertheless, observe, that the British Plenipotentiaries having *produced no such powers*, having *no authority* to bind the Indians, to engage for their assent to the pacification, or to secure the continuance of peace on their part whilst speaking of them as allies, do really propose to treat for them, *not* as if they were *independent nations*, but as if they were the *subjects* of Great Britain. The undersigned, so far from asking, that in relation to the Indians, Great Britain should pursue a course inconsistent with her former practice and principles, only desire, that she should follow her own example respecting them, in her former treaties with other European nations, and with the United States. No provision for the Indians is found in the treaty of 1763, by which France ceded Canada to Great Britain, although almost all the Indians living within the territory ceded, or acknowledged to belong to Great Britain, had taken part with France in the war. No such provision was inserted in the treaty of peace of 1783, between Great Britain and the United States, although almost all the Indian tribes living within the territory recognised by the treaty to belong to the United States; had, during the war, co-operated with Great Britain, and might have been considered as her allies more justly than on the present occasion.

So far as concerns the relations between Great Britain and the United States, these Indians can be treated for only on the principles by which amnesties are stipulated in favour of disaffected persons, who, in times of war and invasion, co-operate with the enemy of the nation to which they belong. To go as far as possible in securing the benefit of the peace to the Indians, now the *ONLY* object *professed* by the British government in their *present sine qua non*, the undersigned offer a stipulation in general terms, "that no person or persons, whether subjects, citizens, or Indians, residing within the dominions of either party, shall be molested or annoyed, either in their persons or their property, for any part they may have taken in the war between the United States and Great Britain; but shall retain *ALL* the rights, privileges, and possessions, which they respectively had at the commencement of the war; they, on their part, demeaning themselves peaceably, and conformable to their duties to the respective governments."

This the undersigned have no doubt, will effectually secure to the Indians peace, if they themselves will observe it, and they will not suppose that Great Britain would wish them included in the peace, but upon that condition. The undersigned have never intimated, that their Government had not furnished them with any

instructions since January last. On the contrary, they distinctly told the British Plenipotentiaries, in conference, (though it appears to have escaped their recollection,) that instructions had been received by the undersigned, dated at the close of the month of June. The undersigned will now add, that those instructions were drawn with a full knowledge of the general pacification in Europe, and with so liberal a consideration of its necessity bearing upon all the differences that had been until then subsisting between Great Britain and the United States, that the undersigned cannot doubt, that peace would long since have been concluded, had not an INSUPERABLE BAR against it been raised by the NEW and unprecedented demands of the British Government.

With respect to the proposition which the British Plenipotentiaries inform them they will be prepared to make, in relation to the Canadian boundaries, which appears to them so entirely founded on principles of moderation and justice, but the nature of which, they think proper at present to withhold, the undersigned can only pledge themselves to meet *any* proposition from the British Plenipotentiaries, characterised by moderation and justice, not only with a perfect reciprocity of those sentiments, but with a sincere and earnest desire to contribute to the restoration of peace, by every compliance with the wishes of Great Britain, compatible with their duty to their country.

(Signed)

JOHN QUINCEY ADAMS,
JAMES A. BAYARD, H. CLAY,
JONATHAN RUSSELL, A. GALLATIN."

No. VII

The British to the American Commissioners.

Ghent, October 8, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the Plenipotentiaries of the United States, dated on the 26th ult.

As the continuance of the negotiation exclusively depends upon the question relating to the pacification and rights of the Indian nations, the undersigned are unwilling to extend their observations to the other subjects brought forward in the note of the American Plenipotentiaries, further than may be required for necessary explanation.

In adverting for this purpose to the acquisition of Louisiana, the undersigned must observe, that the instrument by which the consent of his Catholic Majesty is alleged to have been given to the cession of it, has never been made public. His Catholic Majesty was no party to the treaty by which the cession was made, and, if any sanction had been subsequently obtained from him, it must have been, like other contemporaneous acts of that Monarch, involuntary, and as such, cannot alter the character of the transaction. The Marquis of Yrujo, the Minister of his Catholic Majesty at Washington, in a letter addressed to the President of the United States, formally protested against the cession, and the right of France to make it. Yet, in the face of this protestation, so strongly evincing the decided opi-

nion of Spain, as to the illegality of the proceeding, the President of the United States ratified the treaty. Can it be contended, that the annexation of Louisiana, under such circumstances, did not mark a spirit of territorial aggrandizement?

His Britannic Majesty DID certainly express satisfaction when the American government communicated the event, that Louisiana, a valuable colony in the possession of France, with whom the war had just been renewed, instead of remaining in the hands of his enemy, had been ceded to the United States, at that time professing the most friendly disposition towards Great Britain, and an intention of providing for her interest in the acquisition. But the conditions under which France had acquired Louisiana from Spain, were not communicated; the refusal of Spain to consent to its alienation was not known; the protest of her ambassador had not been made; and many other circumstances attending the transaction, on which it is now unnecessary to dilate, were, as there is good reason to believe, industriously concealed.*

The proof of a spirit of aggrandizement, which the undersigned had deduced from the hostile seizure of a great part of the Floridas, under the MOST FRIVOLOUS pretences, remains unrefuted; and the undersigned are convinced, that the occasion and circumstances, under which that unwarrantable act of aggression took place, have given rise throughout Europe to but *one* sentiment, as to the character of the transaction.

After the previous communication which the undersigned have had the honor of receiving from the American Plenipotentiaries, they could not but feel much surprise at the information contained in their last note of their having received instructions dated subsequently to January, 1814. The undersigned have no recollection whatever of the American Plenipotentiaries having communicated to them, either collectively or individually at a conference or otherwise, the receipt of instructions from the government of the United States, dated at the close of the month of June, and they must remind the American Plenipotentiaries that their note of the 9th ult. distinctly stated, that the instructions of January, 1814, were those under which they were acting. If, therefore, the American Plenipotentiaries received instructions drawn up at the close of the month of June, with a liberal consideration of the late events in Europe, the undersigned have a *right* to complain, that while the American government justly considered those events as having a necessary bearing on the existing differences between the two countries, the American Plenipotentiaries should nevertheless, have preferred acting under instructions which, from their date, must have been framed without the contemplation of such events.

The British government never required that all that portion of the

* All this reasoning affords unanswerable proofs of the "*conciliatory* disposition" of the British Ministers, and is extremely appropriate in a *pacific* negotiation!! After perusing this, and the preceding notes, who shall dare to accuse his Majesty's Ministers of a desire to introduce into discussion any topics, "*calculated to PRODUCE IRRITATION?*"

state of Massachusetts intervening between the province of New Brunswick and Quebec, should be ceded to Great Britain, but only that small portion of unsettled country which interrupts the communication between Halifax and Quebec, there being much doubt, whether it does not already belong to Great Britain.

The undersigned are at a loss to understand, how Vice-Admiral Cochrane's proclamation illustrates any topic connected with the present negotiation, or bears upon the conclusion which they contended was to be drawn from the two proclamations of the American generals. These proclamations, (distinctly avowing the intention of the American government permanently to annex the Canadas to the United States,) were adduced not as matter of complaint, but simply for the purpose of proving, what had been denied as a fact, viz. that such had been the declared intention of the American government.

The undersigned observe, that although the American Plenipotentiaries have taken upon themselves generally to deny, that the proclamations were authorised or approved by their government, without stating in what mode that disapprobation was expressed, yet they avoid stating, that the part of those proclamations containing that declaration in question had not been so authorised or approved. It is indeed impossible to imagine, that if the American government had intimated any disapprobation of that part of Gen. Hull's proclamation, the same declaration would have been as confidently repeated four months after by Gen. Smyth.

His Majesty's government have other ample means of knowing, that the conquest of the Canadas, and their annexation to the United States, was the object and policy of the American government. For the present the undersigned will content themselves with referring to the remonstrance of the legislature of Massachusetts in June 1813, in which this intention is announced as matter of notoriety.

The undersigned deny, that the American government had proved, or can prove, that previous to the declaration of war by the United States, persons authorised by the British government, endeavoured to excite the Indian nations against the United States, or that endeavours of that kind, if made by private persons, (which the undersigned have no reason to believe) ever received the countenance of his Majesty's government.

The American Plenipotentiaries have not denied, that the Indian nations had been engaged in war with the United States, before the war with Great Britain had commenced, and they have *reluctantly** confessed, that so far from his Majesty having induced the Indian nations to begin the war, (as charged against Great Britain in the notes of the 24th August and 9th ult.) the British government ac-

* This "reluctant confession" is simply, "that if Great Britain ever dissuaded the Indians from commencing hostilities, it proceeded from motives "of prudence." Although Lord Liverpool may obtain *less* than he demands, no person can deny, (after this method of interpreting the words, "*reluctant confession*,") that his Majesty's Government have taken a *large* view — of the English language!!

tually exerted their endeavours to dissuade the Indian nations from commencing it.

As to the unworthy motive assigned by the American Plenipotentiaries to this interference so amicably made on the part of Great Britain, its utter improbability is sufficiently apparent from considering by which party the war was declared. The undersigned, therefore, can only consider it as an additional indication of that hostile disposition, which has led to the present unhappy war between the two countries. So long as that disposition *continues*,* it cannot but render any effort on the part of Great Britain to terminate this contest utterly unavailing.

The American Plenipotentiaries appear unprepared to state the precise ground, upon which they resist the right of his Majesty to negotiate with the United States on behalf of the Indian nations, whose co-operation in the war his Majesty has found it expedient to accept.

The treaty of Greenville, to the words, stipulations, and spirit of which the undersigned have so frequently appealed, and all the treaties previously and subsequently made between the United States and the Indian nations, show, beyond the possibility of doubt, that the United States have been in the habit of treating with these tribes as independent nations, capable of maintaining the relations of peace and war, and exercising territorial rights.

If this be so, it will be difficult to point out the peculiar circumstances in the condition of these nations, which should either exclude them from a treaty of general pacification, or prevent Great Britain, with whom they have co-operated as Allies in the war, from proposing stipulations in their behalf at the peace, unless the American Plenipotentiaries are prepared to maintain, what they have in effect advanced, that although the Indian nations may be independent in their relations with the United States, yet the circumstance of living within the boundary of the United States, disables them from forming such conditions of alliance with a foreign power, as shall entitle that power to negotiate for them in a treaty of peace. The principle upon which this proposition is founded, was advanced, but successfully resisted, so far back as the TREATY of MUNSTER!! An attempt was then made to preclude France from negotiating in behalf of certain states and cities in Germany, who had co-operated with her in the war, because although those states and cities might be considered as independent for certain purposes, yet being within the boundary of the German empire, they ought not to be allowed to become parties in the general pacification with the Emperor of Germany, nor ought France to be permitted in that negotiation to mix their right and interests with her own.

The American Plenipotentiaries probably aware, that the notion of such a qualified independence, for certain purposes, and not for others, could not be maintained, either by argument or precedent, have been compelled to advance the novel and ALARMING pretention, that all the Indian nations living WITHIN the boundary of the United States, must, in effect, be considered as their subjects, and, conse-

quently, if engaged in war against the United States, become liable to be treated as rebels, or disaffected persons. They have further stated, that all the territory which these Indian nations occupy, is at the disposal of the United States; that the United States have a right to dispossess them of it; to exercise that right, whenever their policy or interests may seem to them to require it; and to confine them to such spots as may be selected, not by the Indian nations, but by the American government. Pretensions such as these Great Britain CAN NEVER RECOGNIZE:* however reluctant his Royal Highness the Prince Regent may be to continue the war, that evil must be preferred, if peace can only be obtained on such conditions.

To support those pretensions, and at the same time to show, that the present conduct of Great Britain is inconsistent with her former practice and principles, the American Plenipotentiaries have referred to the treaty of peace of 1783, of 1763, and to the negotiations of 1761, during the administration of a minister, whom the American Plenipotentiaries have stated, and truly stated, to be high in the estimation of his country.

The omission to provide in the treaty of 1783, for the pacification of the Indian nations, which were to be included within the proposed boundary of the United States, cannot preclude Great Britain from now negotiating in behalf of such tribes or nations, unless it be assumed, that the occasional non-exercise of a right, is an abandonment of it. Nor can the right of protection, which the American Plenipotentiaries have failed in showing to have been ever claimed by Great Britain, as incident to sovereignty, have been transferred by Great Britain to the United States, by a treaty, to which the Indian nations were not parties.

In the peace of 1763, it was not necessary for Great Britain to treat for the pacification of the Indian nations, and the maintenance of their rights and privileges, because there had been no Indian nations living without the British boundaries, who had co-operated with Great Britain, in the war against France.

With respect to the negotiations of 1761, between Great Britain and France, on which the American Plenipotentiaries more particularly rely, they appear, in the judgment of the undersigned, to have much misunderstood the whole course of that negotiation.

It is very true, that the French government brought forward, at one period of the negotiation, a proposition, by which a certain territory, lying between the dominions of the two contracting parties, was to have been allotted to the Indian nations. But it does not appear, that this formed a part of their ultimatum; and it is clear, that Mr. Pitt, in his answer, did not object to the proposition. He objected, indeed, to the proposed line of demarcation between the countries belonging to the two contracting parties, upon two grounds: first, that the proposed northern line would have given to France, what the French themselves had acknowledged to be part of Canada, the whole of which, as enjoyed by his most Christian Majesty, it had been stipulated, was to be ceded entirely to Great

* Are not "these pretensions recognized" by the treaty of peace concluded at Ghent?

Britain; secondly, that the southern part of the proposed line of demarcation would have included within the boundary of Louisiana, the Cherokees, the Creeks, the Chickasaws, the Choctaws, and another nation, who occupied territories which had never been included within the boundaries of that settlement. So far was Mr. Pitt from rejecting, as alleged by the American Plenipotentiaries, the proposition of considering Indian nations as a barrier, that at one period of the negotiation he complained, that there was no provision for such a barrier; and he thus energetically urges his objections, in his letter to Mr. Stanley, the British Plenipotentiary at Paris, dated on the 20th June, 1761: "As to the fixation of new limits to Canada towards the Ohio, it is captious and insidious, thrown out in hope, if agreed to, to shorten thereby the extent of Canada, and to lengthen the boundaries of Louisiana, and in the view to establish, what must not be admitted, namely, that all which is not Canada, is Louisiana, whereby all the intermediate nations and countries, the true barrier to each Province, would be given up to France."

The undersigned confidently expect, that the American Plenipotentiaries will not again reproach the British government with acting inconsistently with its former practice and principles, or repeat the assertion made in a former note, that a definition of Indian *boundary*, with a view to a neutral barrier, was a new and unprecedented demand by any European power, and most of all by Great Britain: the very instance selected by the American Plenipotentiaries, undeniably proves, that such a proposition had been entertained both by Great Britain and France, and that Mr. Pitt, on the part of Great Britain, had more particularly enforced it.

It remains only to notice two objections which the American Plenipotentiaries have urged against the proposal of Indian pacification, advanced by the undersigned: first, that it is not reciprocal; secondly, that as the United States could have no security that the Indian nations would conclude a peace on the terms proposed, the objection would be in effect immaterial.

The article now proposed by the undersigned, and herewith enclosed, is free from both objections, and appears to them so characterised by a spirit of moderation and peace, that they confidently anticipate the concurrence of the American Plenipotentiaries.

In making a *last effort** in this stage of the war, the undersigned

* Although this is called a *last effort*, it is the *first* proposition made by the British Ministers for an *Indian pacification*, unconnected with the question of an *Indian boundary*. The whole of this correspondence proves, that the American Plenipotentiaries never objected to an *INDIAN PACIFICATION*; but they did object to the adjustment of an *INDIAN BOUNDARY*, or, in other words, to a large cession by the United States, of their rights of soil and sovereignty; and, it appears, that notwithstanding all the *convincing reasoning* of the British cabinet, the objection of the Americans *has been successful*. The moment an *Indian pacification* was proposed, unconnected with an *Indian boundary*, it was *immediately* accepted by the American Plenipotentiaries. All these grand phrases, on the part of the British Ministers, are intended to shift off the responsibility of *DELAY* from their own shoulders: they are "*vox et præterea nihil*."

are not apprehensive, that the motives which have influenced his Royal Highness the Prince Regent to direct a renewal of the proposition, with its **PRESENT MODIFICATIONS**, can be misunderstood or misrepresented.

Whatever may be the result of the proposition thus offered, the undersigned deliver it as their ultimatum, and now await with anxiety, the answer of the American Plenipotentiaries, on which their continuance in this place will depend.

Article proposed by the British Plenipotentiaries.

“ The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities : provided always, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified* to such tribes or nations, and shall so desist accordingly.”

“ And his Britannic Majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations respectively, all the possessions, rights and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities : provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannic Majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.”

No. VIII.

From the American to the British Commissioners.

Ghent, October 13, 1814.

The undersigned have the honour to acknowledge the receipt of the note of the Plenipotentiaries of his Britannic Majesty, dated on the 8th instant.

Satisfied of the impossibility of persuading the world that the government of the United States was liable to any well-grounded imputation of a spirit of conquest or of injustice towards other nations; the undersigned, in affording explanations on several of the topics adverted to by the British Plenipotentiaries during this negotiation,

* Is THIS article intended to afford a proof, that the Indians are “ *independent states*,” especially when interpreted with reference to the subsequent comments of the *American Plenipotentiaries* ? In their note of the 13th October, No. 8, they say, “ that this article partakes of the nature of an “ *amnesty*,” and the British Ministers *do, not* contradict this construction ! Is such an interpretation consistent with the relation of *independent allies* ? !!!

were actuated by the sole motive of removing erroneous impressions.

Still influenced by the same motive, they will now add, that at the time when the Spanish minister was remonstrating at Washington against the transfer of Louisiana, orders were given by his government for its delivery to France ; that it was, in fact, delivered a short time after that remonstrance ; and that if the treaty by which the United States acquired it, had not been ratified, it would have become, of course, a French colony. The undersigned believe that the evidence of the assent of Spain to that transfer, has been promulgated. They neither admit the alleged disability of the Spanish monarch, nor the inference which the British Plenipotentiaries would seem to deduce from it ; on the contrary, the assent was voluntarily given in the year 1804, by the same king, who, about the same time, ceded Trinidad to Great Britain, and prior to the time when he was again engaged in war with her. The cession by France was immediately communicated to Great Britain, no circumstance affecting it, and then within the knowledge of the United States, being intentionally concealed from her. She expressed her satisfaction with it ; and if in any possible state of the case, she would have had a right to question the transaction, it does not appear to the undersigned, that she is now authorised to do so.

“ After stating, generally, that the proclamations of Generals Hull and Smyth, were neither authorised nor approved by their government, the undersigned could not have expected, that the British Plenipotentiaries would suppose, that their statement did not embrace the *only* part of the proclamations, which was a subject of consideration.

The undersigned had, indeed, hoped, that by stating in their note of the 9th ult. that the government of the United States, from the commencement of the war, had been disposed to make peace, without obtaining any cession of territory, and by referring to their knowledge of that disposition, and to instructions accordingly given from July, 1812, to January, 1814, they would effectually remove the impression, that the annexation of Canada to the United States was the declared object of their government. Not only have the undersigned been disappointed in this expectation, but the only inference which the British Plenipotentiaries have thought proper to draw from this explicit statement, has been, that either the American government, by not giving instructions subsequent to the pacification of Europe, or the undersigned, by not acting under such instructions, gave no proof of a sincere desire to bring the negotiations to a favourable end.

The undersigned did not allude, in reference to the alleged intention to annex Canada to the United States, to any instructions given by their government subsequently to January last, because asking at *this time* for no accession of territory, it was only of its *previous* disposition, that it appeared necessary to produce any proof. So erroneous was the inference drawn by the British Plenipotentiaries.

ries, in both respects, that it was in virtue of the instructions of June last, that the undersigned were enabled, in their note of the 24th August, to state, that the causes of the war between the United States and Great Britain, having disappeared by the maritime pacification of Europe, they had been authorised to agree to its termination upon a mutual restoration of territory, and without making the conclusion of peace to depend on a successful arrangement of those points on which differences had existed.

Considering the present state of the negotiation, the undersigned will abstain, at this time, from adducing any evidence or remarks upon the influence which has been exerted over the Indian tribes inhabiting the territories of the United States, and the nature of those excitements which have been employed by British traders and agents.

The arguments and facts already brought forward by the undersigned respecting the political condition of those tribes, render it unnecessary for them to make many observations on those of the British Plenipotentiaries on that subject. The treaties of 1763 and 1783, were those principally alluded to by the undersigned, to illustrate the practice of Great Britain. She did not admit in the first, nor require in the last, any stipulations respecting the Indians, who, in *one* case, had been her enemies, and in the *other*, her allies, and who, in *both* instances, fell by the peace within the dominions of that power, against whom they had been engaged in the preceding war.

“ The negotiation of 1761 was quoted for the purpose of proving what appears to be fully established by the answer of England to the ultimatum of France, delivered on the 1st of September of that year, that his Britannic Majesty would not renounce his right of protection over the Indian nations reputed to be *within* his dominions, that is to say, between the British settlements and the Mississippi. Mr. Pitt’s letter, cited by the British Plenipotentiaries, far from contradicting that position, goes still further: it states, that “ the fixation of the new limits to Canada, as proposed by France, “ is intended to shorten the extent of Canada, which was to be ceded “ to England, and to lengthen the boundaries of Louisiana, which “ France was to keep; and in the view to establish what must not be “ admitted, namely, that all which is not Canada is Louisiana, whereby “ all the intermediate nations and countries, the true barrier to each “ province, would be given up to France.” This is precisely the principle uniformly supported by the undersigned, namely,—that the recognition of a boundary gives up to the nation, in whose behalf it is made, *ALL* the Indian tribes and countries *WITHIN* that boundary. It was on this principle, that the undersigned have confidently relied on the treaty of 1783, which fixes and recognises the boundary of the United States, without making any reservation respecting Indian tribes.

But the British Plenipotentiaries, unable to produce a solitary precedent of one European power treating for the savages inhabiting

within the dominions of another, have been compelled, in support of their principle, to refer to the German Empire, a body consisting of several independent states, recognised as such by the whole world, and separately maintaining with foreign powers, the relations belonging to such a condition ! Can it be necessary to prove, that there is no sort of analogy between the political situation of these civilized communities, and that of the wandering tribes of North American savages ?

In referring to what the British Plenipotentiaries represent as “ alarming and novel pretensions, which Great Britain can never recognise,” the undersigned might complain, that these alledged pretensions have *not been stated*, either in terms or in substance, as expressed by themselves. This, however, is the less material, as any further recognition of them by Great Britain is not necessary nor required.

On the other hand, *they* can never admit, nor recognise the principles or pretensions asserted in the course of this correspondence by the British Plenipotentiaries, and which, *to them*, appear novel and alarming.

The article proposed by the British Plenipotentiaries, in their last note, *not including* the Indian tribes as parties in the peace, and leaving the United States free to effect its object in the mode consonant with the relations which they have constantly maintained with those tribes, partaking also of the nature of an AMNESTY, and being at the same time reciprocal, is not liable to that objection ; and accords with the views UNIFORMLY PROFESSED by the undersigned, of placing these tribes PRECISELY and in EVERY RESPECT, in the same situation as that in which they stood BEFORE the commencement of hostilities. This article, thus proposes ONLY what the undersigned have so OFTEN assured the British Plenipotentiaries would necessarily follow, if indeed it has not already, as is highly probable, *preceded* a peace between Great Britain and the United States : The undersigned agree to admit it, in substance, as a provisional article, subject, in the manner originally proposed by the British government, to the approbation or rejection of the government of the United States, which, having given no instructions to the undersigned on this point, cannot be bound by any article they may admit on the subject. It will, of course, be understood, that if, unhappily, peace should not be the result of the present negotiation, the article thus conditionally agreed to, shall be of no effect, and shall not, in any future negotiation, be brought forward by either party, by way of argument or precedent.

This article having been presented as an indispensable preliminary, and being now accepted, the undersigned request the British Plenipotentiaries to communicate to them the PROJECT of a treaty embracing ALL the points deemed material by Great Britain ; the undersigned engaging on their part, to deliver immediately after a counter project with respect to all the articles, to which they may

not agree, and on subjects deemed material by the United States, and which may be admitted in the British project.

(Signed)

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JOHN RUSSELL,
A. GALLATIN."

No. IX.

British Note, from the British to the American Ministers.

October 21st, 1814.

The undersigned have had the honour of receiving the note of the American Plenipotentiaries, of the 13th instant, communicating the acceptance of their article, which the undersigned had proposed on the subject of the pacification and rights of the Indians nations.

The undersigned are happy in being thus relieved from the necessity of recurring to several topics, which though they arose in the course of their discussions, have only an incidental connection with the differences remaining to be adjusted between the two countries.

With a view to this adjustment, the undersigned preferring, in the present state of the negotiation, a GENERAL statement* to the FORMAL arrangement of articles, are willing so far to comply with the request of the American Plenipotentiaries, contained in their last note, as to wave the advantage to which they think they were fairly entitled, of requiring from them the first project of a Treaty.

The undersigned having stated, at the first conference, the points upon which His Majesty's Government considered the discussions between the two countries as likely to turn, cannot better satisfy the request of the American Plenipotentiaries, than by referring them to that conference for a statement of the points, which, in the opinion of His Majesty's Government, YET remain to be adjusted.

With respect to the FORCIBLE SEIZURE of MARINERS from on board merchant vessels on the high seas, and the right of the King of Great Britain to the allegiance of all his native subjects, and with respect to the maritime rights of the British Empire, the undersigned conceive, that after the pretensions asserted by the Government of the United States, a more satisfactory proof of the conciliatory spirit of his Majesty's Government cannot be given, than by not requiring any stipulations on those subjects, which, though most important in themselves, no longer, in consequence of the maritime pacification of Europe, produce the same practical results.

On the subject of the FISHERIES, the undersigned expressed with so much frankness, at the conference already referred to, the views

* This the British Ministers afterwards call a "projet of a treaty," and are much surprised, that the American Plenipotentiaries do not interpret the words "general statement," in the same manner.

of their Government, that they consider any further observations on that topic, as unnecessary at the present time.

On the question of the **BOUNDARY** between the dominions of His Majesty and those of the United States, the undersigned are led to expect from the discussion which this subject has already undergone, that the North Western boundary, from the Lake of the Woods, to the Mississippi (the intended arrangement of 1803) will be admitted without objection.

In regard to **OTHER** boundaries, the American Plenipotentiaries, in their note of August 24, appeared in some measure, to object to the propositions then made by the undersigned, as not being on the basis of *uti possidetis*. The undersigned are willing to treat on that basis, subject to such modification as mutual convenience may be found to require; and they trust that the American Plenipotentiaries will shew, by their ready acceptance of this basis, that they duly appreciate the **MODERATION** of his Majesty's Government, in so far consulting the honour and fair pretensions of the United States, as, in the relative situation of the two countries, to authorise such a proposition.

The undersigned avail themselves of this opportunity, to renew to the American Plenipotentiaries, the assurance of their high consideration.

(Signed)

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

Ghent, Oct. 21st, 1814.

(True Copy)

C. HUGHES, Jun.

Secretary to Legation United States.

No. X.

American Note, from the American to the British Ministers.

October 24th, 1814.

The undersigned have the honour to acknowledge the receipt of the Note of the British Plenipotentiaries of the 21st instant.

Amongst the general observations which the undersigned, in their Note of the 24th August, made on the propositions **THEN** brought forward on the part of the British Government, they remarked, that those propositions "were founded neither on the basis of *uti possidetis*, nor "on that of *status ante bellum*." But so **FAR** were they from suggesting the *uti possidetis*, as the basis on which they were disposed to treat, that in the same Note, they expressly stated, "that they had been "instructed to conclude a peace, on the principle of both parties "restoring whatever territory they might have taken." The undersigned also declared, in that Note, that they had no authority to cede any part of the territory of the United States; and that to no stipulation to that effect, would they subscribe: and in the Note of 9th September, after having shewn, that the basis of *uti possidetis*, such as it was known to exist at the commencement of the negotiation, gave no claim to His Britannic Majesty to cessions of ter-

ritory, founded upon the right of conquest, they added, that even "if the chances of war should give to the British arms a momentary possession of other parts of the territory of the United States, such events would not alter their views with regard to the terms of peace, "to which they would give their consent."

The undersigned can now only repeat those declarations, and decline treating upon the basis of *uti possidetis*, or upon any other principle, involving a cession of any part of the territory of the United States. As they have uniformly stated, they can treat only upon the principles of a mutual restoration of whatever territory may have been taken by either party. From this principle they cannot recede; and the undersigned, after the REPEATED DECLARATIONS of the British Plenipotentiaries, that Great Britain HAD NO VIEW TO ACQUISITION OF TERRITORY in this negotiation, deem it necessary to add, that the utility of its continuance, depends on their adherence to this principle.

The undersigned having declared in their note of 24th August, that, "although instructed and prepared to enter into an amicable discussion of all the points, on which differences or uncertainty had existed, and which might hereafter tend to interrupt the harmony of the two countries, they would not make the conclusion of the peace at all depend upon a successful result of the discussion," and having since agreed to the preliminary article proposed by the British Government, had believed that the negotiation, *already so long protracted*, could not be brought to an early conclusion, otherwise than by the communication of a project, embracing ALL the OTHER specific propositions, which Great Britain intended to offer. They repeat their request in that respect, and will have no objection to a simultaneous exchange of the projects of both parties.

This course will bring fairly into discussion the other topics embraced in the last note of the British Plenipotentiaries, to which the undersigned have thought it unnecessary to advert at the present time.

The undersigned renew to the British Plenipotentiaries, the assurance of their high consideration.

(Signed) JOHN QUINCY ADAMS,
JAMES A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
A. GALLATIN.

To the Plenipotentiaries of His Britannic Majesty,
&c. &c. &c. Ghent.

(True Copy.)

C. HUGHES, Jun.

Sec. of American Mission Extraordinary.

No. XI.

Copy of a Letter from the American Commissioners to the Secretary of State, dated Ghent, 31st October, 1814.

SIR,—The detention of the Chauncy at Ostend, enables us to send the inclosed Note from the British Plenipotentiaries, which we have just received.

We have the honour to be, with perfect respect, your obedient servants,

JOHN QUINCY ADAMS,
J. A. BAYARD,
H. CLAY,
JONATHAN RUSSELL,
A. GALLATIN.

To the Hon. James Monroe, Secretary of State.

No. XII.

British Note, from the British to the American Ministers.

October 31.

The undersigned have the honour to acknowledge the receipt of the note addressed to them by the American Plenipotentiaries on the 24th instant, in which they object to the basis of *uti possidetis* proposed by the undersigned, as that on which they are willing to treat in regard to part of the boundaries between the dominions of his Majesty and those of the United States.

The American Plenipotentiaries in their note of the 13th instant, requested the undersigned to communicate to them the "PROJET of a treaty," embracing all the points insisted on by Great Britain, engaging on their part to deliver immediately after, a contra projet as to all the articles to which they might not agree, and as to all the subjects deemed material by the United States, and omitted in the projet of the undersigned.

The undersigned were accordingly instructed to waive the question of etiquette, and the advantage which might result from receiving the first communication; and confiding in the engagement of the American Plenipotentiaries, communicated in their notes of the 21st instant, all the points upon which they are instructed to insist.

The American Plenipotentiaries have objected to one essential part of the projet thus communicated; but before the undersigned can enter into the discussion of this objection, they must require from the American Plenipotentiaries that, pursuant to their engagement, they will deliver a contra-projet containing all their objections to the points submitted by the undersigned, together with a statement of such further points, as the Government of the United States consider to be material.

The undersigned are authorised to state distinctly, that the article as to the pacification and rights of the Indian nations having been accepted, they have brought forward in their note of the 21st instant, ALL the propositions they have to offer. They have no further demands to make, no other stipulations on which they are instructed to insist, and they are empowered to sign a treaty of peace forthwith in conformity with those stated in their former note.

The undersigned trust, therefore, that the American Plenipotentiaries will no longer hesitate to bring forward, in the form of articles

or otherwise as they may prefer, those specific propositions, upon which they are empowered to sign a treaty of peace between the two countries.

The undersigned avail themselves of the present opportunity to renew to the Plenipotentiaries of the United States the assurance of their high consideration.

(Signed)

GAMBIER,
H. GOULBURN,
WM. ADAMS.

C. HUGHES, Jun.

Secretary to the American Mission,

(True Copy.)

(To be Continued.)

APPENDIX.

*Copies of Petitions to His Royal Highness the Prince Regent,—from
Liverpool, Glasgow, Port Glasgow and Newark, and Grenock.*

—1.—

Copy :—PETITION of Merchants, &c. of *Liverpool*.
TO HIS ROYAL HIGHNESS THE PRINCE REGENT
of the United Kingdom of Great Britain and Ireland.

The humble Address and Petition of the Merchants, Ship Owners,
Underwriters and others, interested in the Shipping Commerce of
the Port of *Liverpool* ;

Sheweth, That Your Petitioners, as well as the other Merchants and Traders
of this United Kingdom, have for some time experienced very great
hardships and losses, from the capture and destruction, by American
Privateers and Cruizers, of their vessels, trading in St. George's Channel,
and on the Western and Northern Coasts of Ireland and Scotland.

That Your petitioners expect that such depredations may increase very
materially, as the season advances, and during the winter months, which will
add to the facility the Enemy experienced in effecting their captures,
and in returning unmolested to ports in their own country.

That Your Petitioners perceive that the American Vessels of War, both
National and Private, have lately adopted a novel and extraordinary practice
(particularly as it regards the latter) of burning and destroying such Prizes
as they have no reasonable expectation of getting safely into port ; a system
as we are informed, sanctioned and encouraged by the American Govern-
ment, and as we believe rewarded by them ; which belief is strengthened
by the great anxiety always shown by the Commanders of Cruizers to get
possession of and preserve the Registers and other Papers of such Vessels as
they destroy.

That Your Petitioners have observed with regret, that the Lords Com-
missioners of the Admiralty have not before *now* taken decisive measures
to remedy this grievance, *although applications have been made to them*
by other public Bodies to that effect.

Thus situated, we throw ourselves for protection upon Your Royal
Highness's paternal care of the just and legitimate interests of His Majesty's
subjects ; and we humbly pray that Your Royal Highness will graciously
condescend to take into Your Royal consideration, the great and unavoid-
able mischiefs and calamities that must result from the want of sufficient PRO-
TECTION, not only to Your Petitioners, but to the general manufacturing and
trading interests of this Country, and to the Maritime Power of the State.

And Your Petitioners, as in duty bound, shall ever pray.

On behalf of the Meeting.

(Signed) *Wm. Nicholson*, Mayor,
Chairman.

—2.—

Copy of PETITION of the Merchants, Manufacturers, Ship Owners, and
Underwriters of the City of *Glasgow* ;

TO HIS ROYAL HIGHNESS THE PRINCE REGENT,

Acting in the Name and on the Behalf of His Majesty.

The Petition of the Merchants, Manufacturers, Ship Owners, and Under-
writers of the City of *Glasgow* ;

Most humbly Sheweth.

THAT the number, the audacity, and the success of the American Private-
ers, with which our channels have lately been infested, have proved
injurious to the Commerce, are humbling to the pride, and DISCREDITABLE
TO THOSE, who direct the great Naval Power of this Nation.

That, at a time *when we are at peace with all the rest of the World*,
when the *whole* British Navy remains at our disposal, when the maintenance
of our Marine costs SOLARGE A SUM to the Country, when the Mercantile
and shipping Interests are a constant source of taxation, and the force of German

duty, and when, in the plenitude of our power, we have declared the whole American Coast under blockade, it is equally distressing and mortifying, that our ships cannot with safety traverse *our own Channels*; that Insurance cannot be effected but at an excessive premium; and that a horde of American Cruizers should be allowed *unmolested* to capture, burn or sink, our own Vessels, in *our own Inlets*, and almost in sight of *our own Harbours*!!

That Your Petitioners in particular have sustained severe loss from the depredations already committed; and that they have every reason to apprehend still more serious suffering, not only from the extent of their Coasting Trade and the number of vessels yet to arrive from abroad, but as the time is fast approaching when the outward bound Ships must proceed for Convoys to Cork, and when during the winter season the opportunities of the Enemy will be increased, both to capture with ease, and escape with impunity.

That Your Petitioners are reluctantly compelled, by the **COLDNESS** and **NEGLECT** with which the temperate and respectful representations of the Mercantile Interest of this Kingdom, transmitted to the proper departments of His Majesty's Government, have been received, at once to approach the Throne, and to lay their grievances before Your Royal Highness, to whom the just complaints of His Majesty's subjects can never be addressed in vain,

May it therefore please Your Royal Highness, acting in the Name and Behalf of His Majesty, to take the case of Your Petitioners into Your Gracious Consideration, and to direct such measures to be adopted, as shall to Your Royal Highness seem meet, promptly and adequately to protect the Trade on the Coasts and in the Channels of this kingdom from the numerous, insulting, and destructive depredations of the American Cruizers.

And Your Petitioners will ever pray.

[Signed by Five hundred and fifty-four persons]

—3.—

Copy :—PETITION of Merchants, &c. &c. of Port *Glasgow* and *Newark*.
TO HIS ROYAL HIGHNESS THE PRINCE REGENT,

Acting in the Name and on the Behalf of His Majesty.

The humble Petition of the Merchants, Ship Owners, and Manufacturers of Port *Glasgow* and *Newark*;

Sheweth, That for some time past a most unparalleled destruction of Ships and Trade in the British Channels, particularly St. George's, has been effected by American Privateers, in which they seem to roam at pleasure, and *without check*, as well as without *precedent*; which is the more astonishing, as the most material part of the destruction of our Commerce has taken place since the general peace upon the Continent, which left a sufficient portion of the great Naval force of the Empire at liberty to protect its Trade, and particularly upon *its own Coast* :

That as the insolence of that enemy still continues, in the most daring approaches in every part of our Channels, without *effectual measures* being taken to prevent the ruinous consequences of such destruction, at least as far as appears to the Petitioners, they are under the necessity, though with extreme regret, in this manner most humbly to approach Your Royal Highness with their complaint :

May it therefore please Your Royal Highness as acting in the name and on the behalf of his Majesty, to take this matter into your gracious consideration, and as to your Royal Highness shall seem meet to direct such measures to be taken as may *effectually check* the enemy's audacity, and protect the Commerce of his Majesty's subjects, especially upon the Coasts, and in the Channels of the Kingdom.

[Signed by eighty-three Persons.]

Town Hall, Port Glasgow,
10th September, 1814.

Copy :---PETITION of the Merchants, &c. of the Town of *Greenock*.
TO HIS ROYAL HIGHNESS THE PRINCE REGENT,
Acting in the Name and on the Behalf of His Majesty.

The Petition of the Merchants, Ship Owners, and Underwriters,
of the Town of *Greenock*;

Most humbly Sheweth,

THAT the losses recently sustained by the Trade of this Port, from Captures made by American Cruizers on the Coasts of the United Kingdom, have been GREAT beyond all FORMER EXPERIENCE, and have taken place under circumstances which call for the most SERIOUS INQUIRY both into the causes by which they have been produced, and the means of preventing the recurrence of similar evils in future.

That the impunity with which these depredations have been carried on (*often within sight of our own shores, and almost in our friths and harbours*) the length of time during which they have been continued, and the *leisurely and confident* manner in which the enemy have conducted their operations, afford undeniable proof (if any indeed were wanting) of the INADEQUACY of the Force employed to guard those important but vulnerable points, the complete protection of which was always, till now, esteemed an object of the first necessity.

That as a want of the means of defence cannot, in the present situation of the Country, be alleged in *extenuation* of these facts, there seems (in the judgment of your Petitioners) to remain no other ground of explanation than a NEGLECT not easily reconcilable, either with a competent knowledge of maritime affairs, or a due regard to the important commercial interests thus exposed to hazard.

That, under these circumstances, Your Petitioners feel themselves compelled to submit their grievances to the consideration of Your Royal Highness, the *more especially*, as the answers received to various representations on this subject, addressed to the Lords Commissioners of the Admiralty by some of the most RESPECTABLE Mercantile Bodies in the Kingdom, so far from having proved satisfactory to Your Petitioners, have only tended further to LESSEN their CONFIDENCE in the WISDOM of THOSE COUNCILS by which the Naval Affairs of the Country are at PRESENT administered.

May it therefore please Your Royal Highness, to take this matter into your gracious consideration, and to direct such measures to be adopted, as shall to Your Royal Highness seem meet, for the more effectual protection of the Trade on the Coasts and in the Channels of the United Kingdom, from the depredations of the enemy's Privateers and Ships of War.

And Your Petitioners will ever pray.

[Signed by sixty-three Persons.]

True Copies.

Whitehall, 13th February, 1815.

J. BECKETT.

APPENDIX No. II.

THE ADDRESS OF THE CITY OF LONDON, ON THE PEACE WITH AMERICA.

“ TO HIS ROYAL HIGHNESS THE PRINCE OF WALES, REGENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

“ The humble, loyal, and dutiful Address of the Lord Mayor, Aldermen,
and Commons of the City of London, in Common Council assembled.

“ MAY IT PLEASE YOUR ROYAL HIGHNESS,

“ We, his Majesty's most dutiful and loyal subjects, the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, present ourselves before your Royal Highness to offer our zealous and heartfelt congratulations, on the auspicious circumstance of the signature of a treaty of peace with the United States of America.

“ We consider this event as the fortunate and desirable termination of that prolonged series of political calamities which, whatever may have been

their causes, or in whatever degree they were unavoidable, have, at various periods of their disastrous course, filled his Majesty's loyal subjects with anxiety for the welfare of these kingdoms, and with deep affliction for the unavailing slaughters, desolations, and miseries, with which they have covered the civilized and Christian World.

"We had concluded an arduous struggle against a formidable rival of the power and prosperity of this empire, in a manner creditable to our resources, and glorious to his Majesty's arms by sea and land; and as the rupture with the United States of America was but an effect of the mutual hostilities of the pre-existing Belligerents, it was reasonable to hope, that PEACE with AMERICA would have been the IMMEDIATE consequence of the pacification of Europe.

"Alive to the honour, as well as to the interests of the United Kingdom, we ought not to conceal from your Royal Highness, that we should have been far more gratified, had the object of the negotiations been SOONER accomplished, or had SUITABLE MEANS been employed and promptly exerted for supporting the character and insuring the triumphs of the British flag.

"Our regrets would, we acknowledge, have been much more poignant, under the circumstances of the great superiority of our means and resources, were it not NOTORIOUS, that our occasional losses in the varied scene of naval hostilities, are to be attributed not to any deficiency of decision and energy in the British character, nor to any want of gallantry and perseverance on the part of our naval commanders and seamen, but to the WANT of DUE INFORMATION as to the force and construction of the American ships of war, and to the INAPPLICABLE description of the force employed against them.

"We should not have done justice to our feelings, had we passed over in silence, the topics at which we have thus briefly and reluctantly glanced; but we contemplate, with satisfaction, the prospect of speedy returning to that state of society, which affords free scope to the commercial energies of this great empire, and the approaching renewal of an intercourse with a great, free, and rising people, connected with us by so many ties and sympathies—an intercourse which has been mutually advantageous, and has greatly promoted the power and prosperity of this nation. Nor do we view, with less pleasure, the opportunities, which will thus be afforded for DIMINISHING OUR UNEXAMPLED EXPENDITURE; for the removal of the most galling and debasing of our taxes, such as we hope never again to have occasion to name; and for reforming those abuses, which, in a series of protracted conflicts, creep into, and deform, every state, unless carefully watched, and zealously guarded against.

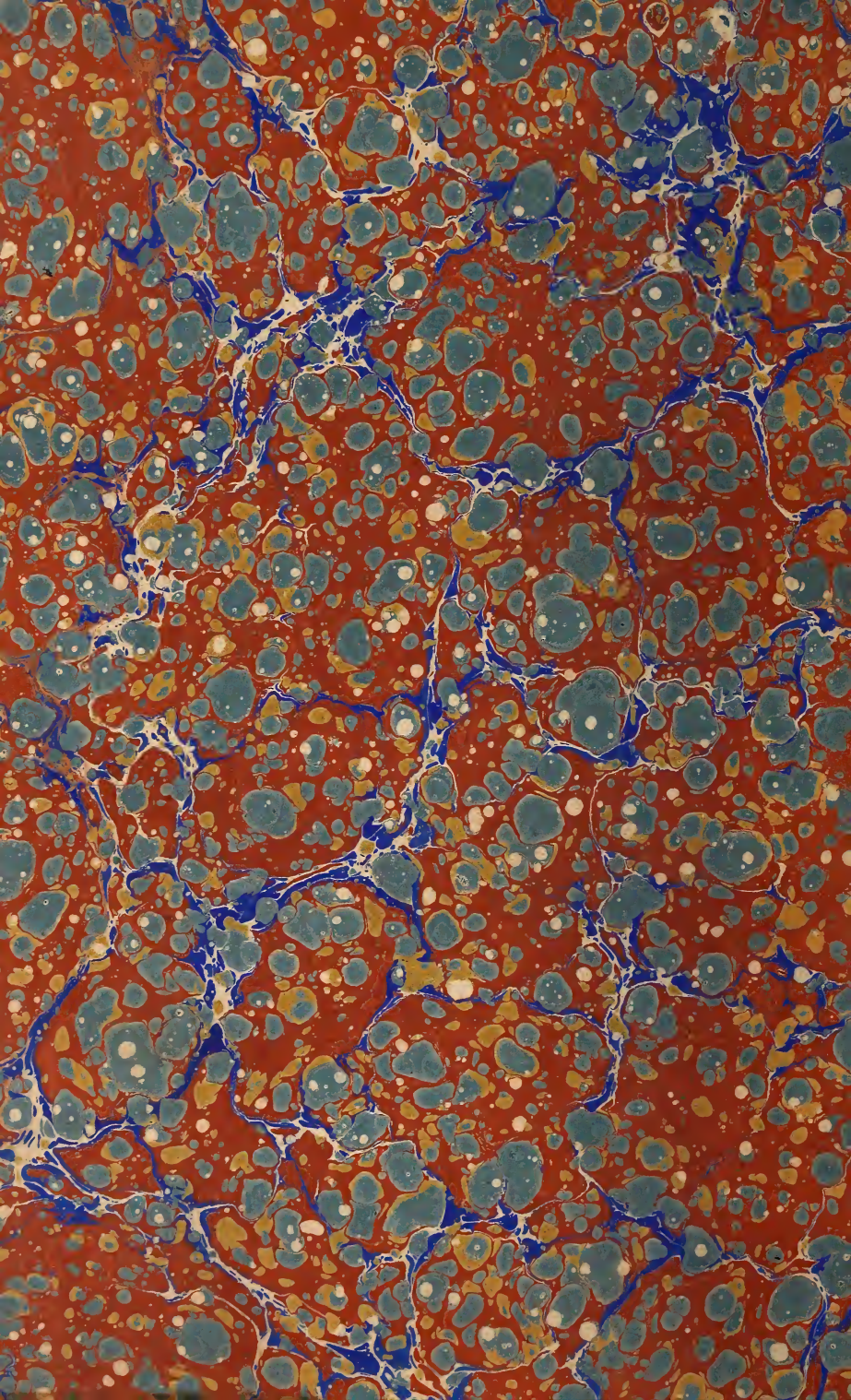
"That we may, uninterruptedly, devote ourselves to the pursuits, and enjoy the blessings of peace, and that the Royal House of Brunswick may long reign over a free, happy, and united people, is the ardent wish of his Majesty's faithful citizens of London.

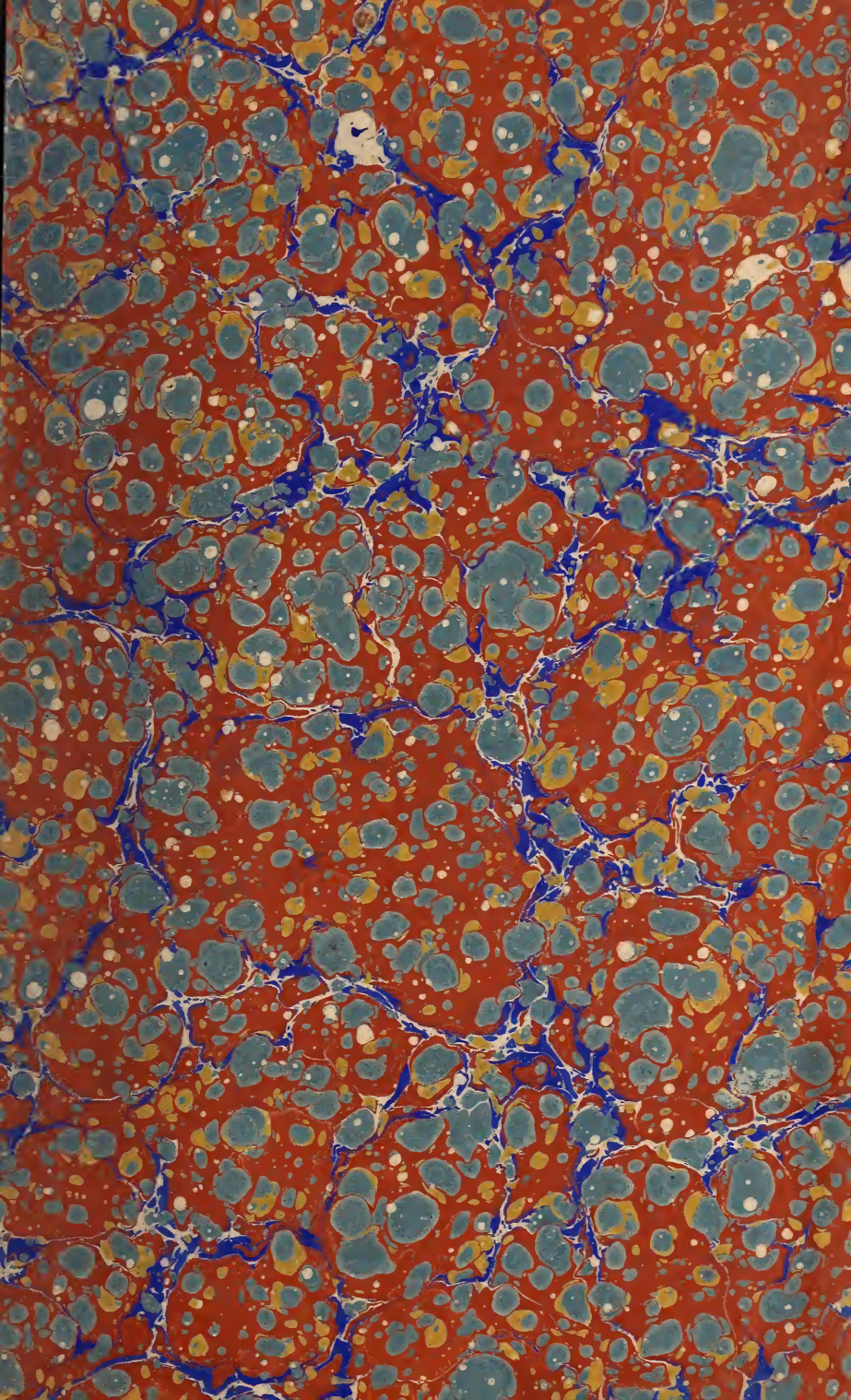
Signed, by order of Court,

"HENRY WOODTHORPE."

The loyal citizens of London will discover, in the correspondence at Ghent, why the peace with America was so long delayed. Parliament will, it is hoped, demand why it has, at last, been concluded, without attaining ANY of those objects, which the British government has declared to be necessary, for the "SECURITY and PERMANENCY of the Peace?"

It may also be useful to enquire, what portion of Mr. Vansittart's NEW Taxes is rendered necessary by the prolongation of the American War; and how much of the NEW peace establishment is required, for the maintenance of the rights and interests of Great Britain in America, under the "GLORIOUS and SECURE Peace," which Lords Liverpool and Castlereagh have obtained at Ghent, on the 24th December, 1814?





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